

NOTICE
ZONING BOARD OF APPEALS
TOWN OF CHATHAM
COLUMBIA COUNTY
NEW YORK

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham will hold a meeting on **Thursday, January 23, 2014 at 7:00 P.M.** at the Town Hall located at 488 Rt. 295 in Chatham. On the agenda for continuation is:

1. Special Use Permit Modification for the PS21 performance arts facility which is owned by Questaterra, LLC located at 2980 State Route 66.

ALL persons interested in this matter will be heard at such time and place specified. Copies of the application are also available at the Town Hall located at the address specified above. (Hours: Monday 9AM- noon and Thursday 2-5 PM or by appointment). Written comments on this application will also be considered if received by the Zoning Board at the address specified on or before January 23, 2014.

Any other matters that come before the Board will also be heard.

Dated January 14, 2014
David Everett, Chairman
Town of Chatham Zoning Board of Appeals

MEETING ATTENDANCE SIGN-IN

Meeting Date: January 23, 2014

Committee/Board: Zoning Board of Appeals

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

1. Brandee Nelson 551 Warren St Hudson
2. EVAN STOLTER Box 52
N. Lebanon
3. Susan Davies 38 Iron Hill CHATHAM NY
4. Scott Longstreet Esq 597 Alb Tpk Rd Old Chatham, NY
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

NOTICE
ZONING BOARD OF APPEALS
TOWN OF CHATHAM
COLUMBIA COUNTY
NEW YORK

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham will hold a meeting on **Thursday, February 27, 2014 at 7:00 P.M.** at the Town Hall located at 488 Rt. 295 in Chatham. On the agenda for continuation is:

1. Special Use Permit Modification for the PS21 performance arts facility which is owned by Questaterra, LLC located at 2980 State Route 66.

ALL persons interested in this matter will be heard at such time and place specified. Copies of the application are also available at the Town Hall located at the address specified above. (Hours: Monday 9AM- noon and Thursday 2-5 PM or by appointment). Written comments on this application will also be considered if received by the Zoning Board at the address specified on or before February 27th.

Any other matters that come before the Board will also be heard.

Dated February 16, 2014
David Everett, Chairman
Town of Chatham Zoning Board of Appeals

MEETING ATTENDANCE SIGN-IN

Meeting Date: February 27, 2014

Committee/Board: ZONING BOARD OF APPEALS

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

1. Brandee Nelson 551 Warren St.
2. Donna Staron 162 Merwin Rd Valatie
3. Lidy Grunkey 83 Silvernail Road Valatie
4. Scott Lancaster 597 Alki Road OC, NY
5. Kathy Kocjaniski Canter
6. Pammy Tardella The Columbia Paper
7. Colleen Safford 175 White Hills Rd
8. Evan Stolbe 205 W Hill Rd, W. Lebanon
9. _____
10. _____
11. _____
12. _____

NOTICE
ZONING BOARD OF APPEALS
TOWN OF CHATHAM
COLUMBIA COUNTY
NEW YORK

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham will hold a meeting on **Thursday, March 27, 2014 at 7:00 P.M.** at the Town Hall located at 488 Rt. 295 in Chatham. On the agenda for informational purposes is:

1. Area Variance for 50 foot side and rear yard setbacks for the construction of a new garage for Andrew J. Behrens of 235 Dewitt Brown Road, East Chatham, NY 12037.
2. Area Variance to place an address sign on a private driveway on property located at 181 Haddock Hill Road with a mailing address of 1 Blueberry Hill Rd, East Chatham, NY 12060.

ALL persons interested in these matters will be heard at such time and place specified. Copies of the applications are also available at the Town Hall located at the address specified above. (Hours: Monday 9AM- noon and Thursday 2-5 PM or by appointment). Written comments on these applications will also be considered if received by the Zoning Board at the address specified on or before March 27th.

Any other matters that come before the Board will also be heard.

Dated March 21, 2014
David Everett, Chairman
Town of Chatham Zoning Board of Appeals

NOTICE
ZONING BOARD OF APPEALS
TOWN OF CHATHAM
COLUMBIA COUNTY
NEW YORK

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham will hold a meeting on **Thursday, April 24, 2014 at 7:00 P.M.** at the Town Hall located at 488 Rt. 295 in Chatham. On the agenda for Public Hearing is:

1. Area Variance for Andrew Behrens for side, rear and front yard setbacks for the construction of a new garage on property located at 235 DeWitt Brown Road, East Chatham, NY 12060.
2. Area Variance for a proposed lot line adjustment with adjoining lands of William W. Jackson, Jr. and Linda Jackson and Ernesto De La Vega Pujol and Scott Tarr for property located at 674 Albany Turnpike, Old Chatham, NY 12136.
3. Area Variance for a sign for Carolina Bucci for property located at 181 Haddock Hill Road, East Chatham, NY 12060.

ALL persons interested in this matter will be heard at such time and place specified. Copies of the application are also available at the Town Hall located at the address specified above. (Hours: Monday 9AM- noon and Thursday 2-5 PM or by appointment). Written comments on this application will also be considered if received by the Zoning Board at the address specified on or before April 24th.

Any other matters that come before the Board will also be heard.

Dated April 14, 2014
David Everett, Chairman
Town of Chatham Zoning Board of Appeals

TOWN OF CHATHAM
APRIL 24, 2014

ZONING BOARD OF APPEALS
DRAFT COPY

MEMBERS PRESENT:

David Everett, Chairman
Mitchell Khosrova
Robert Leary
JP Henkel
Adrianus Ooms
Jeffrey Lick
Walt Simonsmeier, Building Inspector

ABSENT:

Kary Jablonka, notified

PUBLIC PRESENT:

Dan Russell, Land Surveyor
Donna and Ed Hunt
Andrew Behrens

Chairman Everett called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited. Mitch Khosrova made a motion to approve the March 27th minutes, Jeff Lick seconded the motion, carried.

Mr. Behrens was not present at the start of the meeting so the application for a lot line adjustment is the first item on the agenda for this evening.

Public Hearing

Area Variance for a proposed lot line adjustment with adjoining lands of William W. Jackson, Jr. and Linda Jackson and Ernesto De La Vega and Scott Tarr for property located at 647 Albany Turnpike, Old Chatham, NY 12136

Dan Russell, a land surveyor from Crawford & Associates and the agent for William W. Jackson, Jr. and Linda Jackson, appeared before the Board. Chairman Everett asked the Board if they had any questions before he opened the Public Hearing and there were none.

Chairman Everett made a motion to open the Public Hearing at 7:02 pm, Mitch Khosrova seconded the motion, carried.

Mr. Russell presented the Board with the receipts proving the he notified the abutters for the Public Hearing. Chairman Everett commented that a letter was received from the Columbia County Planning Department stating that it was not necessary for the Town of Chatham Zoning Board of Appeals to refer this proposed action to the County Planning Board. A list of actions that the Zoning Board would use to refer an application was also listed and is now on file. A letter was sent to the County Planning Board as a precautionary review.

There were no comments from the audience on this application, therefore Chairman Everett made a motion to close the Public Hearing at 7:04 pm, seconded by Mitch Khosrova, motion carried.

Chairman Everett commented that since this is an Area Variance for a single family dwelling, it is a Type II action under SEQR review. The exact amount being asked for an Area Variance by the applicant is 0.2 acres. One lot size would be a little over an acre and the other would be 1.213 acres (One lot is becoming less substandard).

Mitch Khosrova made a motion to approve the Area Variance amounts for these two lots, Bob Leary seconded the motion, carried. A letter will be sent to the Town Planning Board regarding the approval of this application. Mr. Russell also presented a check for \$25 from Crawford & Associates for the variance fee.

The application for an Area Variance for a sign for Carolina Bucci has been withdrawn.

Public Hearing

Area Variance for Andrew Behrens for side, rear and front yard setbacks for the construction of a new garage on property located at 235 De Witt Brown Road, East Chatham, NY 12060

Mr. Behrens presented the receipts for notice being given to his abutters for his property. There were no audience members present for the Public Hearing. The Board began discussion with Mr. Behrens regarding the construction of a new garage at 7:05 pm.

Mr. Behrens stated that his immediate neighbor's house is presently empty. They did not reply to his notice. Chairman Everett stated to Mr. Behrens that the Board had asked for a letter from an engineer or contractor and some feed-back from his neighbors regarding the placement of the garage. He also commented that the Board gave some suggestions regarding placing the garage in other locations since they have to explore all options. Mr. Behrens commented that by placing the garage where he has stated provides for better egress and he can't afford to bring in a lot of fill if he was to place it above the parking area that is located in the map. The property is all on a hill and there are multiple springs. The proposed location is the most level and most suitable. Chairman Everett explained that the Board is required to look at other options.

Mitch Khosrova explained that the Board wanted some proof that the environment of the property didn't provide for any other suitable location for the garage. The Board was looking for the location of the septic and the wet areas of the property as well on the map.

Jeff Lick commented that if a parking area could be placed up the hill then a garage could also be placed there as well. The location of this garage would be directly in front of the neighbors' house. Without hearing from the neighbors' he is hesitant to approve this location. Chairman Everett stated that the Board tries not to grant variances without input from neighbors and because this is directly in the front yard it makes it more difficult to approve without neighbors being heard. He again stated that the Board was looking for an engineer's report.

Mr. Behrens commented that he would not be able to access the back of the property if he put the garage by the parking area. Mitch Khosrova commented that the shed is located near that parking area and he does not understand why the garage couldn't also be located there. Mr. Behrens commented that he wants to have the garage by the road for easier access and if this is not granted he may think about withdrawing the application and not building the garage. He again stated that he did not hear back from the neighbor. JP Henkel stated that he feels it would help to hear what the neighbor's comments would be and he does not want this to create a blind curve. He asked Mr. Behrens if he has tried to make contact with the neighbors other than with the notice. Mr. Behrens stated no. JP commented that he understands how this will be more convenient for him but the Board needs to hear

what the neighbors will think. One can assume that the neighbors don't care if they did not respond to the notice but the Board needs to have some record of their response.

Chairman Everett asked Mr. Behrens whether there were any other structures on the property. Mr. Behrens stated that there is a barn on the edge of the road down further. Bob Leary commented to Mr. Behrens that even though he could build the ^{garage} ~~barn~~ by the parking area, he does not want to build it there. Mr. Behrens stated that he could also attach it to the house but he does not have the finances to do so. He is proposing to pour an Alaskan slab for the garage. Chairman Everett asked the Board members if having comments from the neighbor would sway them? Jeff Lick did not want to leave this on the response of the neighbors. Mitch Khosrova agreed and commented that this is a significant variance but the Board does not consider any monetary costs associated with this. Dave Everett stated that moving the garage to the parking area does eliminate one of the variances but you would still need to deal with the side variance. Jeff Lick commented that it is easier to deal with the side variances and he does not believe that the neighbors would like the garage so close to their property. Mr. Behrens stated that he did not like it when the neighbor placed a shed along the property line and feels that that is not visually pleasing. Mitch Khosrova commented that just because he wants the garage there does not mean that the Board will approve this site, the Board must look at all options.

Chairman Everett read from the Zoning Law regarding the standards for an Area Variance. JP Henkel and Jeff Lick both stated that they would like to have input from the immediate neighbor regarding the location of the garage before they made a decision and they did not want to create a blind curve. Bob Leary commented that he did visit the property and noted that the land is steep. If Mr. Behrens did not have an alternate site, he stated that it would be hard to say that he should place the garage in one spot knowing that there may be a better alternative. Adrian Ooms feels that there is enough room around the barn to see around the road.

Mr. Behrens stated that he did not want to move the garage up higher on the property and contemplated withdrawing his application due to financial reasons. The Board encouraged Mr. Behrens to appear before the Board next month with a letter from the neighbor and an Engineers report. Mr. Behrens agreed to appear at the May meeting.

The Board agreed to hold open the application until the May meeting.

With no further business to discuss, Dave Everett made a motion to adjourn the meeting at 7:40 pm, seconded by JP Henkel, motion carried.

David Everett, Chairman

Respectfully submitted,

Barbara A. Fischer, Clerk

MEETING ATTENDANCE SIGN-IN

Meeting Date: April 24, 2014

Committee/Board: Zoning Board

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

1. DAN RYSSSEL 551 Warren St. Hudson NY 12534
2. DONALD HEENT 87 Blueberry hill rd
3. EDWARD HEENT Old Chatham NY 12136
4. ANDREW BEHRENS 235 Dewitt Brown Rd. EAST CHATHAM NY 12060
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

NOTICE
ZONING BOARD OF APPEALS
TOWN OF CHATHAM
COLUMBIA COUNTY
NEW YORK

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham will hold a meeting on **Thursday, May 22, 2014 at 7:00 P.M.** at the Town Hall located at 488 Rt. 295 in Chatham. On the agenda for Informational purposes is:

1. Special Use Permit for Mark Knudsen of 307 Crestview Drive, Valatie, NY 12184 to build an addition to a single family residence and convert the property to a two family residence.

ALL persons interested in this matter will be heard at such time and place specified. Copies of the application are also available at the Town Hall located at the address specified above. (Hours: Monday 9AM- noon and Thursday 2-5 PM or by appointment). Written comments on this application will also be considered if received by the Zoning Board at the address specified on or before May 22nd.

Any other matters that come before the Board will also be heard.

Dated May 19, 2014
David Everett, Chairman
Town of Chatham Zoning Board of Appeals

TOWN OF CHATHAM
MAY 22, 2014

Final ZONING BOARD OF APPEALS
DRAFT COPY

.....

MEMBERS PRESENT:	ABSENT:	PUBLIC PRESENT:
David Everett, Chairman	Jeffrey Lick, notified	Aaron Hancock on behalf of Tom Hall
Mitchell Khosrova, V. Chairman		
JP Henkel		
Robert Leary		
Kary Jablonka		
Adrianus Ooms		

Chairman Everett called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited. Mitch Khosrova made a motion to approve the minutes as presented with one word correction from Bob Leary. Dave Everett seconded the motion, carried.

Informational only

Special Use Permit for Mark Knudsen of 307 Crestview Drive, Valatie, NY 12184 to build an addition to a single family residence and convert the property to a two family residence.

Aaron Hancock, standing in on behalf of Tom Hall of Hall Construction, (builder and representative for Mark Knudsen), presented the Board with additional information. The Board reviewed the information presented and suggested that the applicant provide the Board with a site plan and survey map showing where the house is located on the property and photos of the property. The property is located on Crestview Drive above the lake off of State Route 203.

JP Henkel asked that the septic be located on the map along with the location of the well. Mr. Hancock stated that there is an existing well on the property and they will add this to the site plan. Dave Everett inquired whether this was an in-law addition which would be used occasionally or full time? Mr. Hancock did not know. The Board questioned whether there would be a shared driveway as well. Mr. Hancock stated that this was still up in the air because they would need to take down some trees.

Mitch Khosrova asked whether the addition would be connected inside to the main building? Mr. Hancock stated yes with a separate entrance. Dave Everett asked why the homeowner wanted to do this? Mr. Hancock stated that the in-laws wanted to have a place to go to in the summer months. Mitch Khosrova inquired whether there would only be one door to the back yard in the new addition. Mr. Hancock stated that there would also be access through the kitchen to the back yard for the occupants to use.

The Board questioned whether this project was actually making the residence a two family dwelling or just adding a room. There would be one electrical system and there is an existing well and septic system. JP Henkel noted that the setbacks are well within the zoning limits. Mr. Hancock stated that they would be pouring a foundation for a walk out basement and mentioned that the applicants wanted to make sure that they were good with the size of the addition.

The Board asked Mr. Hancock to let the applicant know that they would need to provide the following at least 10 days in advance of the Public Hearing that would be held at 7:00 pm on June 26, 2014;

1. Location of the house on the property
2. Site Plan showing the existing well and septic
3. Determination from the Department of Health stating that the septic and well are large enough for both occupancies
4. Drawing of the driveway(s) and any parking areas

The Board asked the clerk to notify applicant Andrew Behrens to inform the Board if he will be going ahead with his application or not for the next Board meeting.

With no further business to discuss, Kary Jablonka made a motion to adjourn the meeting at 7:15 pm, seconded by Mitch Khosrova, motion carried.

A handwritten signature in black ink, appearing to read 'David Everett', written over a horizontal line.

David Everett, Chairman

Respectfully submitted,

Barbara A. Fischer, Clerk

MEETING ATTENDANCE SIGN-IN

Meeting Date:

May 22, 2014

Committee/Board:

Zoning Board

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

1. Aaron Hancock on behalf of Tom Hall

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

CHATHAM ZONING BD.

NO MEETINGS

JUNE

JULY

2014

TOWN OF CHATHAM
MEETING MINUTES August 28, 2014

ZONING BOARD OF APPEALS
FINAL DRAFT COPY

MEMBERS PRESENT:

David Everett, Chairman
Mitchell Khosrova, V. Chairman
JP Henkel
Robert Leary
Jeffrey Lick
Kary Jablonka
Adrianus Ooms
Town Attorney: Tal Rappleyea
Planning Board Chair: Marilyn Cohen

PUBLIC PRESENT: Douglas Waldmann, Tim Laurange
William Wallace on behalf of Kevin Weldon and Peter
Newman, Adam Slone w/Nicholas Vamvas of Crawford
& Associates and Andrew Howard of Freeman Howard,
Karen Murphy, Peter Lyden, David Lyden, Bill
Eimick, Wil Vega, Linda Ziskind, Simone & Mahlon
Richards, Dori Hanswirth, Loretta Stillman, Karin
Mason, Terri Anne Dougherty

Chairman Everett called the meeting to order at 7 PM. The Pledge of Allegiance was recited. Robert Leary made a motion to accept the minutes from May 22, 2014. Mitchell Khosrova seconded the motion, motion carried.

Informational only

Item 1 on the agenda: A Special Use Permit application was presented by Douglas Waldmann, 4254 Rt. 203, North Chatham, NY 12132, to build a 12' x 30' storage shed that would require a 25 ft. setback. He is requesting a 12' walkway on either side of the shed. The house lies within Hamlet Two of the North Chatham Historic District. There are no structures near the area proposed. The church parking lot is next to the property. Mr. Henkel asked if the space between there was a right of way. Mr. Waldmann replied "no." Mr. Henkel asked if the shed would require plumbing. Mr. Waldmann replied that there is no plumbing needed, but that there would be windows and that the shed would be for storage. He also stated that the siding would be the same as his house and that there will be no lighting at this time, but it could be a possibility in the future. Mr. Khosrova stated that the actual shed needs to be placed on the map/drawing of the survey for exact variance measurements. Mr. Khosrova stated that the ZBA would be issuing a variance and that exact measurements are necessary. He also explained the exact spot has to be consistent with the drawing & survey. Chairman Everett requested that Mr. Waldmann go back to the surveyor and have him draw the shed with boundary lines and measurements and have the plans stamped. Mr. Waldmann asked how long the approval process would take and the board explained that the public hearing is required and could take place in a month and it can probably be approved providing all the paperwork is done properly and within the time frame scheduled. A public notice has to be done in advance of the hearing and notification to the neighbors who live within 500' of the storage shed must be done at least 10 days prior to the meeting. Mr. Khosrova suggested to Mr. Waldmann that the mailing of the letters by certified return receipt be done ASAP and obtaining letters of support from neighbors should also take place. Chairman Everett stated that this application needn't go to the county for approval. Mr. Khosrova asked that the application for Type of Action be changed on #2, from Use variance to Area Variance to the Zoning Ordinance and the applicant agreed to this change.

Item 2 on the agenda: William Wallace, AIA representing Kevin Weldon and Peter Newman, 218 New Concord Rd., East Chatham, NY, presented an application requesting an Area Variance for demolition and addition to the existing house requiring and 18' setback to the left side of the building and a 40' setback to the rear. The applicants are renovating a sunroom and eating area. JP Henkel wanted to state for the record that he is associated with the applicants and asked if he should recuse himself as the applicants are friends, however, Attorney Rappleyea explained that recusal is not necessary at this time as this was informational in nature. Mr. Wallace explained that the current structure is 20' off the lot line and they are asking to change it to 18'. The rear of the structure is currently 45 feet off the line asking for 40 ft. A pond lies on one side of the house. Ninety five percent of the proposed building area is currently the pond area. It is not a federal or state wetland. Mr. Khosrova asked for the survey to show the pond that exists there to see if there other options rather than going toward the pond. Chairman Everett asked how far off the pond is it now. Mr. Wallace said he would give an outline of the pond. He also said he spoke to the neighbors about the project and stated that there are letters of support attached to the application from them. Mr. Wallace was told he would still have to notify neighbors legally, return receipt requested. Chairman Everett asked the well and septic to be shown on the plan and that the updated plan is made clearer. He also said "we have to be concerned about setbacks for wells and septic and make sure everything is in compliance with that." Mr. Lick asked for clarification of the garage location and also if there are any other structures on the property. Mr. Wallace stated that there is a shed and he will show it on the revised survey. Mr. Wallace will need all property owner's names and addresses. Mr. Henkel asked what the setback from New Concord road is. Mr. Wallace replied that it is 30' to garage and 85' to the house. Mr. Henkel said he would like to see on record how far the addition is from the street. Chairman Everett asked if the garage is located on two separate lots. Mr. Wallace replied that he "thinks it is close and may be on the lot." He added that there is a letter of support from the neighbor for the next door lot in question. Mr. Wallace indicated that there is a building on that lot. Chairman Everett stated that this application should be set for public hearing and that all materials need to be filed 10 days before the meeting.

At this time Mr. Khosrova stated that he will not be around for next meeting as it is a Jewish holiday. Chairman Everett stated that the regular meeting date will remain in place if it was agreeable to the rest of the board.

Agenda item #3: The Life Serve Youth Foundation presented a proposal for a change of use request for a Youth Tennis Camp at 206 Thomas Rd., Old Chatham, NY. The Foundation was represented by Adam ~~Slone~~ ^{Slone}, buyer of the property, Nick Vamvas of Crawford and Associates Engineering, PC, and, Andy Howard, Esq. of Freeman and Howard.

Chairman Everett explained to the audience that this is not a public hearing that the meeting was informational in nature and that the board would not be taking public comment at this meeting. He did state that he was in receipt of an email from concerned neighbors with many questions about this project. He asked that any information given will be made available to the public as soon as possible. Mr. Slone handed out an overview of the project to the board.

Background: Adam Slone, who is in the process of purchasing the property at 206 Thomas in Old Chatham, NY, would like to construct a sleep-away tennis camp for under-privileged youth. Mr. ^{Slone}~~Slone~~ explained that he was born with a rare genetic disease which prevented him from playing contact sports. Tennis helped him overcome many things in his life. His family couldn't support his tennis however and he was subsequently awarded a scholarship to college to play tennis. He feels that this would be a great fit for the Chatham community. He also plans to include community at large. He stated that the property is in excellent condition, 26 acres with few obstructions.

Mr. Slone explained that the camp would only operate for eight weeks in the summer, from the end of June to the beginning of August. There will be 25 to 30 kids per two week session, boys separate from girls, and kids would not leave the property without adult supervision. Tennis instruction would be from 8 am to 12noon daily. There is no outdoor lighting for the courts. Youth attendees would likely be asleep by ten. Much of the dining will be indoors. The outdoor tennis courts will be constructed in a way that they visually can't be seen by the neighbors. Tennis would be played no more than four hours per day on the outside courts. Four hard surface courts will be constructed outside and he plans to convert the existing riding arena to an indoor clay court.

There were questions from various ZBA members as to who the kids are that would be attending this camp and where would they be coming from. Mr. Slone replied that the attendees would not be "troubled" kids, that the kids would come strongly recommended from tennis instructors and counselors, kids who do well in school and love tennis and would not get an opportunity like this to attend a camp of this caliber. He went on to say, "These would be good kids who love tennis." Mr. Slone stated that "first and foremost, the goal is to create a positive and safe environment for all involved." Mr. Khosrova asked how the kids are going to get to the property in terms of transportation. Mr. Slone replied that they would likely take trains/buses to get to New York and then vans/staff employed from the camp would pick them up. The camp will largely be a volunteer staffed organization. Most of the 5 to 7 staff members will be on site at all times during the camp sessions.

The existing stables would be converted into sleeping quarters for the kids. The main house would be site of the showers and the kids will likely shower in the main house even though there are restrooms in the barn. Mr. Slone said that the camp will fully comply with NYS Health codes and laws. The staff will stay in the five bedroom main house. The barn has 1000 sq ft. that can be converted if needed into additional quarters. The existing garage is mostly finished and can also be sleeping quarters for the volunteer staff. The indoor riding arena would be a clay surface court. The state of NY clearly outlines what they have to do to and the camp plans to comply with NYS health department regulations. A swimming pool will be constructed and will not be located near other neighbor's property. Two large vans are likely with two additional cars for field trips that will likely be once per day. In summary, Mr. Slone stated that the goal is to provide an amazing experience to these kids, and he envisions it to be a camp that the Chatham area would be proud of.

Mr. Leary asked when the camp would begin. Mr. Slone replied that they would like to open at the end of June of 2016. Mr. Leary asked if this is the first camp of this nature. Mr. Slone replied, "Yes" and he indicated that he is consulting other camps for information. Mr. Leary asked if there are other camps

like this and Mr. Slone replied that he has not yet found anything like it that he knows of that focuses on underprivileged kids in the country. Mr. Slone stated that there is strong interest from donors and well known tennis people who are very interested in this project. The foundation will be a 501c3 and the paperwork for this is in process. Mr. Slone explained that he will initially purchase the property himself, but would like to have the 501c3 purchase the property from him. Mr. Slone however, would most likely be the largest donor of this charity. He mentioned that Comerica who manages funds for not-for-profit foundations is a transparent way of donors providing money to the organizations who do not have their own 501c3 status. This would mean that Mr. Slone's organization can start collecting donations now that are tax-deductible while they are awaiting their own 501c3 status. Having the project approved, acquiring the site and then utilizing the resources

According to the proposal, Mr. Khosrova stated that the camp runs for eight weeks and then asked Mr. Slone what happens to the property the other 44 weeks of the year when camp is not in session. Mr. Slone explained that he doesn't live here in Chatham fulltime would like to utilize the property when he can personally. No other activity would take place other than the camp. Mr. Khosrova asked if there would be hiking on the property, and Mr. Slone replied "No." Mr. Khosrova asked where the children would eat meals and who would prepare the food. Mr. Slone replied that there is space in the house for dining and that they are still figuring that out. Food will be prepared by a certified person who will prepare in a commercial kitchen within the state guidelines. Mr. Slone stated that there would be a separate food kitchen and he is looking into a healthy nutrition program similar to one that the Boys and Girls Club of America has. Mr. Khosrova asked that when the application is submitted to the county for the permits that the ZBA get a copy as well. He would like to see how the camp will deal with lighting, trash, etc. Chairman Everett then asked the applicant when submitting the application to the health department if he could give a chart showing how all of these regulations are in compliance. The Camp safety plan must be relevant to NYS and the ZBA will require a copy of it.

Mr. Henkel asked what the children would be doing between noon and 10 pm once they are finished with tennis instruction. Adam explained that there will be meals, field trips, educational programs, gardening programs. The educational component is a big piece of the program and that a lot of programs would be field trip oriented at least once per day. Chairman Everett wanted to know if the Camp is seeking any variances from the state sanitary code and if so, what would they be. Mr. Vamvas replied that there wouldn't be a need to seek any variances from the state at this time and Mr. Everett asked for a letter stating this. Mr. Vamvas stated that they will be disturbing more than an acre of soil (about 2.5 acres) and will require a SWPPP and Chairman Everett stated the ZBA would need a copy of that. He also said that the Camp would need to meet with the fire department and rescue squad and have them take a look at the site plan and safety plan and to make sure that there is adequate access to water and that the fire trucks and emergency vehicles will be able to turn around. The ZBA also wanted to know if there would be a fire suppression system.

The previous owner, Terri Anne Dougherty, spoke at this time, and explained that the property is currently self-sustainable. There are two wells on site in addition to two septic systems and that they have been inspected by the local Fire Department. She also indicated that the Fire department has drawn water from the pond on the property which is spring fed. The driveway is asphalt binder same as

the roads. Chairman Everett said that the ZBA would still need a letter from the fire department with their review of what exists on site. Ms. Dougherty stated that the driveway is 16' to 24' wide and 3200' in length and has plenty of turnarounds. Chairman Everett will still require a letter from the fire department stating that this is adequate space for fire trucks. He also asked if they will be required to supply sprinklers in the buildings. Mr. Vamvas said they are unsure if sprinklers are required at this time. There will be a fire suppression system of some sort in the kitchen and they are still investigating the requirements that the state will need. They are willing to comply with whatever the state requires of them.

Chairman Everett asked if there would be a lot of soil movement to flatten the pastures for the tennis courts. Mr. Vamvas provided a TOPO map from their surveyor and stated they would be providing a more detailed map in the future of the parcel and where they are grading. The board reviewed the map. The driveway is paved and the horse paddocks are where the tennis courts will go because they are already flat and will require less grading. The outdoor riding arena, which is already flat, will be court #1. Mr. Khosrova asked with concern of excavation trucks and traffic on the road, if they would anticipate significant cuts and fills. Mr. Vamvas replied that they likely would not need a lot of fill or expect much to be sent out and there may be six foot of cut if at all. Ms. Dougherty stated that the riding arena was constructed a few years ago by Freeman excavating. It has a heavy sub base of gravel, stone dust and fabric with sand so it is solid. Mr. Khosrova asked if there were horses on site now and the owner replied no and stated that the property has been vacant on and off for four years. Attorney Howard stated on the map that Phase one will have four courts and the pool and Phase two will have two additional courts which will be located next to the house. In connection with the expanded dormitory, work will need to be done on the septic system.

According to Mr. Howard, the primary structure is phase one and that "the beauty of this particular property is that there are no large structures that need to be constructed other than the courts and the swimming pool and handling waste water." Mr. Howard stated that no other large structures need to be built other than the courts and the pool. Chairman Everett stated that it would be helpful to have conceptual floor plans to show what the buildings will look like. "The interior floor plan to some extent of the building often drives what happens on the exterior," and where the doors, the septic, etc. are located. Mr. Khosrova inquired about fire exits and will the house need double ingress and egress exits. Any construction taking place in the buildings and to the extent it becomes dorm space especially if it is whatever the NYS building code requires is what will take place according to Mr. Howard. Mr. Henkel asked that if the state had rules regarding pools and pool safety and Mr. Howard stated that this is outlined in the NYS Health Camp plan and they plan to comply with what the state requires. Mr. Leary asked about handicap accessibility. The applicants will check to see if this is required. Chairman Everett then asked ^{for} that copies of the Engineer's report, and the septic and water reports once they are ready. Mr. Vamvas said all changes here are preliminary and they are planning on expanding the septic. The septic is located now right outside the residence and the second one is near the stable. The soil test hasn't been done yet. The current owner, Ms. Dougherty, explained that the testing has all been done within the last two years because a subdivision was done recently. The property use to be 90 acres. Chairman Everett says the ZBA will need updated septic plans and any other upgrades that have been

done to make sure the septic can support the number of people that will be there. If there is over 1000 gallons of discharge, a permit will be needed. Mr. Khosrova asked if there are wetland issues and Mr. Vamvas stated that there aren't wetlands, both of the ponds are man-made.

Chairman Everett asked if there would be any public events held and if bleachers or stands would be on site if parents/families were to come for a "parent's day". The applicant replied that there are no plans for this. Mr. Henkel asked about fundraisers being held at the property. Mr. Slone replied that almost none would take place. He said most of the fundraisers will be held out of town due to where his donors are located.

Chairman Everett inquired about truck deliveries for food and other supplies. Mr. Vamvas said they anticipate that the staff will go shopping themselves utilizing local stores and farms. There will be no Sysco or Ginsburg trucks delivering food and products to the camp. According to Mr. Howard, Mr. Slone plans to have a healthy nutrition program so he will utilize local sources: the CSA's, farmers markets, etc, part of the teaching component will be to utilize the local resources. Mr. Henkel asked about planning for gardens on the property. Mr. Slone replied nothing is formalized yet, that possibly in the future. Chairman Everett asked about additional lighting. There should be some concern with having 40 people living in the dorms and what the plan is for lighting and pedestrian safety issues will be addressed. Mr. Howard stated that the tennis courts will not be lit. They envision having lower level lighting similar to what one would see on a college campus between the riding arena and other buildings. The outdoor lighting will be on the buildings. According to Ms. Dougherty, there are existing security lights that go on and off with motion sensors. Chairman Everett asked for a lighting plan and also wants a map of where the trash/dumpsters will go and if it will be enclosed or not. Mr. Henkel asked if the board can visit the site rather than just a drive-by to view the site. Chairman Everett suggested setting up a meeting with the entire board for a site visit before the next meeting.

Mr. Vamvas went on to say that the other improvement that needs to be mentioned is the fact that the driveway may need to be widened at the base. It is currently 13' wide and according to code, it will need to be 20' wide for fire access. Crawford and Associates are proposing four foot strips of gravel on either side. They will also consult with the fire chief for approval. There is one spot of the driveway that is too close to the neighbor so Mr. Vamvas stated they will just move that to 8' on that one side. The driveway is paved. Chairman Everett asked if the gate will need to be replaced to accommodate the size change and Mr. Vamvas was unsure at this time if they would replace it or just remove it. Chairman Everett stated that this is something to look at and that if there will be a gate it will also need to be indicated in the plan. Mr. Khosrova stated "Obviously noise and lighting will be a concern with neighbors." He asked that the applicant to consult with the Town Highway Superintendent about whether the project would have any impacts to the dirt road. Chairman Everett asked for assurances that the transport vans are not getting parked and left and that there won't be 50 cars traveling up and down that road. It becomes much more of a traffic impact on that road. Chairman Everett asked that if the board imposed conditions to van use only and that the camp numbers don't increase from 30 to 40 people to more than that, that the applicants will not have an issue with this. Mr. Henkel stated that we need to think about when the board approves this project that the camp is going to be there for a long time and thought needs to be given about when the camp is no longer there, does it become someone else's camp or

vacant property again. Mr. Khosrova stated that a construction time frame is needed, how many hours per day, what days of the week and times of the year and hours that are reasonable in consideration with neighbors. He stated that we are in a rural area and that there are good professionals here that can help create the time frame.

Chairman Everett stated that there is a list of concerns from the neighbors and suggested that the planners respond to them in writing and that they be available for the next meeting. He said that the proposal will be reviewed by our town engineer and attorney. He stated that ~~with~~ Mr. Slone will be required to post Escrow. The applicant will have to pay for the town to review the application so that the taxpayers do not pay for this. Mr. Vamvas said that copies have already been sent to the Town Engineer, Paul McCreery. Chairman Everett asked the Town Attorney what he recommended for escrow. Attorney Rappleyea recommended \$5k to \$7500 for escrow for both the attorney and the engineer fees that may be incurred. Chairman Everett then explained the escrow process to the applicant and that bills are generated and paid out of the escrow. Any money left in escrow will be returned to the applicant. If the money runs out, more will have to be put in by the applicant. Attorney Rappleyea will send the escrow agreement to the applicant's attorney, Mr. Howard.

Attorney Rappleyea asked that Mr. Slone also consider serving kids not just from NYC/Boston areas but from our local area, too. Mr. Slone replied that they would like kids to be from this area as well that attend the camp. It is not a specific city program. Mr. Henkel asked if there would be daily attendees rather than just overnight attendees. Mr. Slone replied that there is a limited amount of space and that this will be an overnight camp. They have no problem limiting the numbers. Mr. Leary asked how the kids would be recruited. Mr. Slone explained that there are tennis programs ~~around~~^{all} over the country and this camp is for kids that already play tennis. He went on to explain that there are sponsored free tennis clinics for kids and his group would approach those tennis teachers to recruit kids as well as look to guidance counselors from their schools for recommendations. The goal is not to make the kids professionals but to take good kids that are financially challenged who have a passion for tennis and give them this opportunity to help them realize their talent. The community service piece is a big part of this camp and he would like the kids to come back as staffers/volunteers in the future.

Chairman Everett recommended that the ZBA be the lead agency to this project. Mr. Khosrova asked if that would be agreeable to the planning board. Marilyn Cohen, Planning Chairperson was in attendance and was agreeable to this suggestion.

A Motion for the ZBA indicating its intent to be made lead agency and circulate for coordinated review was made by Chairman Everett, Mr. Jablonka seconded, the motion carried. He asked that Attorney Rappleyea to send out notice to all the agencies affected by this motion.

Ms. Dougherty stated that this is a very positive plan for the property as it is currently vacant and a lot of upkeep and she doesn't live nearby the property. According to her, previously, there was a pony club, horse boarding and a lot of horse trailers going in and out of the property. This project would be a lot less disruptive in comparison as to what occurred there in the past. She stated that most of the traffic

that exists now is cars cutting over from Rock City road. Chairman Everett asked the applicants to quantify what the traffic was previously along with the owner who owned a horse farm.

Mr. Henkel asked if the applicant will need setback variances for the driveway expansion.

Chairman Everett asked the applicants about the visibility of the property and where they think it is visible from. Mr. Vamvas replied that the Powell Preserve is 1.7 miles away and that it should not pose any impact on the view from there. The tennis courts which will have fencing have been sited so to not impact the view from private properties. Chairman Everett said the ZBA is only concerned about views from public viewing properties such as the roads and the Powell Preserve.

Chairman Everett asked the applicants what is the expectation level in terms of noise. Mr. Howard explained that there won't be heavy equipment operating or engaged in any sound that would produce 90 DB. He went on to say that based on where the site is located, there is not going to be a noise issue. Looking at the town code and analyzing the code, Mr. Howard asked "is this special use request more obtrusive than what is already permitted?" He went on to state that in review of the permitted uses, that tennis courts among many other things are a permitted use within the Town. "There are a litany of things permitted, and the idea of 8 weeks over the year on a large piece of property and centrally located on the property...the east has dense woods and remote areas and a use that yes, kids hitting a tennis ball and some matches going on."

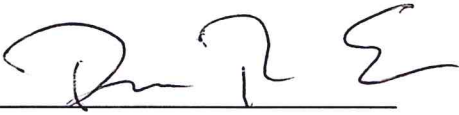
Concerning the DEC Noise Mitigation policy and the increase of 6 DBA over Ambient Noise Conditions, Chairman Everett and the board are looking to the engineers to look at where the noise levels fit within this DEC guidance. He asked that they look at this and give their input on it. And our engineer will take a look at it wanting to know where the noise levels would fit in with the DEC Guidelines. Attorney Howard stated, "At the end of the day, these are tennis ball being hit with tennis racquets."

Regarding the circulating lead agency, Howard asked if the board typically send the notices to the fire and rescue squad. Chairman Everett said that this is not typically required.

In closing, Mr. Slone stressed that they are not looking to be all alone on this property. This camp can be something that can be part of the community. Mr. Slone does not want to do anything to disturb the community. His goal is to be respectful of the community and the neighbors. Chairman Everett suggested that in the next month Mr. Slone visit with the neighbors and talk to them about their concerns. Mr. Khosrova stated that based on experience a lot of issues with applications are because of things not known. He stated that it's imperative to get as much info out there as soon as possible. The ZBA is here to make sure all bases are covered for Mr. Slone's protection as well as the Town's, which is why the board is requiring so much information about the project. All information can be submitted up to 10 days before the next meeting. A public hearing may be schedule then or in two months.

All documents are available to the public as it is available under Freedom of Information Law. Ms. Dougherty then asked if there would be any reason that the application would be denied. Chairman Everett replied that he could not answer this question at this time because all the information isn't in yet. There could be questions that the ZBA hasn't asked yet and questions the neighbors may have.

Chairman Everett asked for a motion to adjourn the meeting at 9:40 PM, Kary Jablonka made the motion to adjourn, Jeffrey Lick seconded and the motion carried.

A handwritten signature in black ink, appearing to be 'D. Everett', written over a horizontal line.

David Everett, Chairman

Respectfully Submitted by Shari Franks, ZBA Clerk
September 15, 2014

ZBA Meeting Signin 8/28/14

NAME	ADDRESS	EMAIL
Douglas Waldman	484 R 203 W. Chatham	douglaswaldman@gmail.com
Tim Laurange	25 Fish Lake Niverville	Tlaurange@yahoo.com
Karen A. Murphy	76 Phelps Road Old Chatham NY 12136	KarenAMurphyEsq@aol.com

PETER Lyden	177 Thomas Rd Old Chat	PETER W Lyden @hotmail.com
-------------	------------------------	-------------------------------

David Lyden	177 Thomas Rd.	oldchat dcl2006@rcn.com
-------------	----------------	----------------------------

Bill Emick	76 Phelps RD	OC wbe1@columbia.edu
------------	--------------	-------------------------

WIL VEGA	177 Thomas Rd	wil.vega@rcn.com
----------	---------------	------------------

Adam Stone	720 Greenwich St #1 J	Adam@Stonepartners.com
------------	-----------------------	------------------------

Bill Wallace	CHATHAM.	
--------------	----------	--

Nicholas Varras	Crawford And Associates	
-----------------	-------------------------	--

Andrew Howard	51 Thomas Rd. Freeman Howard	Chatham NY howard@freemanhowards.com
---------------	---------------------------------	---

Marilyn Cohen	1524 CR28	marigail@farpaint.net
---------------	-----------	-----------------------

Simone Richards	Borce Rd	simonecharmail@yahoo.com
Mahlon Richards		

Dori Hansworth	48 Borce Rd.	dori.hansworth@hoganlovell.com
Fretta Stillman	47 Borce Rd.	f.stillman@chicago.com
Karin Mason	109 Borce	KarinMason@foursontire.com

PUBLIC NOTICE
ZONING BOARD OF APPEALS
TOWN OF CHATHAM
COLUMBIA COUNTY
NEW YORK
Agenda 9/25/14

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham will hold its monthly meeting Thursday, September 25, 2014 at 7:00 PM at the Chatham Town Hall located at 488 Rt. 295 in Chatham. On the agenda for the Public Hearing are the following items:

1. Application from Douglas Waldmann, 4254 State Route 203, requesting an Area Variance for a 25' side yard setback for a 12'x30' shed. The property is located in Hamlet Two District in North Chatham.
2. Application from Kevin Weldon and Peter Newman, 218 New Concord Rd., requesting an Area Variance for demolition and addition to existing house requiring an 18' setback to the left side of building and a 40' setback to the rear.

ALL persons interested in this matter will be heard at such time and place specified. Copies of the application materials are also available at the Town Hall located at the address specified above. Hours are Monday 9 AM – Noon and Thursday 2-5 PM or by appointment. The ZBA will accept written comments up until the public hearing. Any other matters that come before the board will be heard at this time.

Dated September 10, 2014
David Everett, Chairman
Town of Chatham Zoning Board of Appeals

TOWN OF CHATHAM

PUBLIC HEARING MINUTES September 25, 2014

ZONING BOARD OF APPEALS

Final **DRAFT COPY**

Members Present: Absent: Mitchell Khosrova-notified

Chairman David Everett

JP Henkel

Robert Leary

Jeffrey Lick

Kary Jablonka

Adrianus Ooms

Public Present: Douglas Waldmann,

Tim Laurange, William Wallace, Peter

Newman, Wendy Gash, Mr. Schriejack

Chairman Everett called the meeting to order at 7 PM. The Pledge of Allegiance was recited. Kary Jablonka made a motion to accept the minutes with spelling corrections from August 28, 2014. JP Henkel seconded the motion, motion carried.

Public Hearing

Area Variance for a proposed 12'x30' shed construction on the property of Douglas Waldmann, 4254 Rte. 203, North Chatham, NY 12132

Douglas Waldmann provided an updated map and photographs of his property to the board. Chairman Everett verified that all required documentation was received. Chairman Everett made a motion to open the public hearing at 7:05 PM. Jeffrey Lick seconded the motion, the motion carried.

Chairman Everett asked if everyone viewed the photos provided by Mr. Waldmann, who then explained the photos. Chairman Everett asked for public comment. Wendy Gash, Mr. Waldmann's next door neighbor expressed concerns with the project. She did say that the applicant had provided all maps to her previously. She had questions about the 25ft setback. The variance means the applicant can construct his shed less than 25 ft. off the lot line. Mrs. Gash explained that her garage, which borders Mr. Waldmann's property, was built in the 1930's and she has a small shed and the properties are close together. She suggested that the applicant put the garage closer to the Arnold property, which is at the rear of his property rather than have it closer to the center. Chairman Everett asked if there was a significant difference or what is there to gain moving it a foot in the other direction. Ms. Gash commented that the proposed placement of the shed would cut into the open space that has been there a long time. She stated that it would be an aesthetic problem, that it is a long building and would be quite visible to everyone. She also said she understood the reasoning for the building, that it will be used for storage and growing plants. Chairman Everett asked if the two parties talked about the issue and they replied they had. Mr. Waldmann explained that Mrs. Gash is concerned about her property value when she does decide to sell it. Mr. Waldmann is willing to aesthetically please her as needed. Chairman Everett then asked Mrs. Gash what is her ultimate problem with this project. She replied that ideally she does not want it however, it is her neighbor and she doesn't want to cause a problem. JP Henkel asked if this is something that is obstructing her view. Mr. Leary asked the applicant if he could build something that he wouldn't have to come to the zoning board for. Chairman Everett then replied

that Mr. Waldmann can do "lots of things, it is his property." The board suggested moving the shed closer to the other property line and maybe planting some trees. Mr. Henkel asked Mr. Waldmann to explain the original placement of the shed. Mr. Waldmann answered that the land is more level where he currently wants to build it. If he were to position it more to the west, it would fall behind Mrs. Gash's garage and it would be costly to put it at the back because the land is not level there. He went on to say that there is a twin maple that would shade the space too much being that he wants to use the garage as a greenhouse too. Mrs. Gash explained that she wasn't all that "tense about this anyway", but expressed concern again about her property value. After reviewing the map and seeing the trees and other plantings, Mr. Jablonka asked Mrs. Gash how much of the proposed shed she would see. Chairman Everett went on to explain to Mrs. Gash that from a property value perspective, everyone *in a hamlet* lives in close proximity to each other. He said he understood her concern about the property values, but he doesn't really see that as a concern in the long term, it's just a storage shed and it is consistent with the other sheds in the neighborhood. Mrs. Gash then asked for the definition of "shed." Chairman Everett explained that it's an accessory structure and it's used for storage. A shed can take different forms and shapes. He stated it could be called a "storage building." Chairman Everett then asked Mr. Waldmann if he would go back and check with his people and if moving the shed closer to the neighbor's property would work, tucking it more behind the neighbor's garage and would that be acceptable. Chairman Everett stated that seemed to him that it would be a good solution that would satisfy all parties. Jeff Lick asked Ms. Gash if moving the shed closer to her property would be acceptable and she said "yes." Mr. Waldmann then asked the board if he had to re-do the map and when the reply was affirmative he then stated that it would cost him additional money. Mr. Schriejack, the other next door neighbor, was in attendance and was asked to review the map if Mr. Waldmann decided to change it. Chairman Everett explained the site map to Mr. Schriejack. He stated that where the original is proposed Mr. Schriejack won't see the building. If Mr. Waldmann moves it, he might be able to see it. Chairman Everett explained that he may be able to see it but there are a lot of trees. Mr. Schriejack explained that he has the 37' parcel that is adjacent to Mr. Waldmann's property that was purchased from the Arnolds when it became available for sale. He explained he maintains a lawn with fruit trees in this small piece of yard. Mrs. Gash stated that there is a big maple tree and Mr. Waldmann is worried that moving the shed near the trees could be hazardous. Chairman Everett asked if everyone is okay with the project the way it is as originally submitted and he said he appreciated that everyone came to see the project. Mr. Waldmann offered to plant shrubs and trees to help with the view. Mrs. Gash said again that he should keep it away from the big maple tree, which she hadn't thought about until now. Mr. Laurange, Mr. Waldmann's contractor, offered some ideas of plantings. Ms. Gash gave her approval for the original placement, "Go ahead and do what you want." Chairman Everett thanked everyone for coming in and asked if anyone have any other issues with this. There was no response. Chairman Everett stated that this is a lot line Area Variance for a single family home it is a Type II action under SEQR review.

Mr. Henkel made a motion to approve the area variance 14.5' from south property line and a 13.8' from the north property line. The motion was seconded by Mr. Leary. Motion for the variance was carried. Shari will need to talk to the Town Clerk for the fee schedule and will let the applicant know what he owes for the application fee.

Public Hearing

Area Variance for Kevin Weldon and Peter Newman for rear and side setbacks for demolition and addition to existing house requiring an 18' setback to the left side of building and a 40' setback to the rear located at 218 New Concord Rd., East Chatham, NY, 12060

Bill Wallace, AIA on behalf of Kevin Weldon & Peter Newman, provided a revised site plan of the project as the board previously asked. Chairman Everett asked if he need DOH approval to move the septic tank and Mr. Wallace responded that he did not. He stated that there is an existing septic tank for the existing building. There is another 200 gallon septic tank that goes to the garage. His clients are asking to have the current 20' setback to the left side for the existing addition reduced to 18' and the current 45' setback reduced to 40' to the rear.

Chairman Everett stated that everything is on the map that was asked for. There are support letters from the various neighbors stating they know about the project and Shari has them on file. The surveyors are still looking at the existing garage that is on two parcels, the applicant's property and the neighbor's property however this is not an issue for this project. Chairman Everett explained the need and importance of surveys especially in situations like this.

Chairman Everett made a motion at 7:32 PM to open the public hearing. Kary Jablonka seconded the motion. Motioned carried. There were no comments from the audience on this application, therefore Chairman Everett made a motion to close the public hearing at 7:33 PM, seconded by Bob Leary, motion carried.

Chairman Everett commented that this is a setback Area Variance for a single family home; it is a Type II action under SEQR review. Chairman Everett asked for a motion, Kary Jablonka moved to approve the area variance consisting of a 32 ft. and a 10 ft. side lot line variance. Jeff Lick seconded the motion, motion carried. Shari will notify Mr. Wallace regarding the fees owed for the application.

Other Business

Jeff Lick had two items to discuss. First, Mr. Lick inquired about the definition of a "church" with regard to a note the board members had received from the Walt Simonsmeier, Building Code Officer, about the maintaining of the church located in Chatham Center, next to Rory Block's house. Ms. Block, who lives next door to the church, wants to keep it as a church because she is an ordained minister and wants to have occasional concerts there to help maintain the cost of upkeep. Chairman Everett commented that the board needs to get a better understanding of how the resident wants to use it. Mr. Simonsmeier will need to render his determination first before it goes to the ZBA. The chairman referred to the New Concord church and the Malden Bridge church as community center use approved by the ZBA. Jp Henkel stated that ZBA determined that the New Concord church was a pre-existing structure. Chairman Everett commented that the property is not on the tax rolls. The board was unsure of what that specific area is zoned as. Right now, it is between the owner and the Code officer to determine. There doesn't seem to be a definition of church in the town code.

The second item Jeff Lick wanted to discuss was the proposal for the Life Serve Youth Foundation Tennis Camp on Thomas Road that was received in August. He stated that he is receiving phone calls about the camp and is looking for guidance on how to respond to the public about the project. Chairman Everett stated that it is very difficult and premature at this time to have conversations about this citing that 75% of the material hasn't even been submitted on the project. The response should be that the ZBA is taking a hard look at the project and is waiting for more information from the applicant. Chairman Everett spoke with Henry Swartz, Town Board member, regarding the letters and concerns of the neighbors. He explained all the studies and reports that the ZBA requires. The letter from the neighbors which was submitted by Thomas Road resident John Wapner, of their questions and concerns was forwarded on to the applicant by the chairman.

With no further business to discuss, JP Henkel made a motion to adjourn the meeting at 8:02 PM, motion seconded by Jeff Lick, motion carried.

A handwritten signature in black ink, appearing to read 'David Everett', written over a horizontal line.

David Everett, ZBA Chairman

Respectfully Submitted,
Shari Franks, ZBA Clerk

9/23/14

ZBA MEETING SIGN-IN

<u>NAME</u>	<u>ADDRESS</u>	<u>EMAIL</u>
-------------	----------------	--------------

Douglas Waldman	4254 Rt. 203 N. Chatham	dawaldmann@gmail
Tim Lorange	25 Fish Lake Newville	timlorange@yahoo
Wendy Gash	4246 RT 203 N Chatham	
Bruce Hausen		
Peter Norma	818 New Concord Rd B Chatham	

Rec Director

From: shakerpon@aol.com
Sent: Saturday, September 27, 2014 2:27 PM
To: recdirector@chathamnewyork.us
Subject: meeting, September 26

Dear Shari,

I attended the meeting, which I did not know was the Zoning Board of Appeals, to discuss the proposal by Douglas Waldrum to erect a 12x30 foot building adjacent to my property in North Chatham. I phoned you and left a message the next day., but could not get back to you because our work hours are the same. I want to remark on the man who moderated. I thought this person, who was not introduced, was almost belligerent when I brought up my concerns, which were the loss of open space and the sheer size of the building, which will be equal to two motel units. When I asked, he could not give me a definition of "shed," although this proposal is certainly an outbuilding. Then he said erroneously " a man can build anything he wants on his property." I will be polite and call this nonsense, although there are several cruder and more applicable terms, because if that were true, why were any of us there discussing it?

To sum up, the Waldrums are nice people, but they are inexperienced in vegetable gardening. This idea of theirs seems shaky, and I don't like chipping away at remaining open space and the view shed. The moderator, whose name I shall learn, had a definite attitude, and was unnecessarily antagonistic and unpleasant.

Wendy Gash
42428 Route 203
North Chatham 12132
766-2324
shakerpon@aol .com

Town of Chatham Planning Board

488 Rt. 295

Chatham, NY 12037

Telephone (518)392-5464

October 15, 2014

Dear Dave:

This is to acknowledge the Planning Board's agreement with the Zoning Board of Appeals acting as lead agency in the Life Serve Youth Foundation project.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn Cohen", with a long, sweeping horizontal line extending to the right.

Marilyn Cohen, Chairperson

Town of Chatham Planning Board

**TOWN OF CHATHAM
MEETING MINUTES October 23, 2014**

ZONING BOARD OF APPEALS

DRAFT COPY

Final

MEMBERS PRESENT: **Absent:** Kary Jablonka-Notified

Chairman David Everett
Vice Chairman Mitchel Khosrova
JP Henkel
Robert Leary
Jeff Lick
Adrian Ooms
Tal Rappleyea, Town Attorney
Paul McCreary, PE, Morris Associates
Donna Staron, PB Deputy Chair

PUBLIC PRESENT: Adam Slone, Nicholas Vamvas
of Crawford & Associates, Simone & Mahlon
Richards, John Wapner, Linda Ziskind, Karen
Murphy, Robert Pulver, Amy & Jody Boll, Cynthia
Bobsiene, Jim Johnson, Arthur Shaw, Robert
Pietkiewicz, Chief of Tri-Village Fire Department

The Pledge of Allegiance was recited at 7:00 PM. Vice Chairman Mitchell Khosrova opened the meeting at 7:01 PM (in lieu of Chairman Everett would be late to the meeting) and announced two minor adjustments to the minutes from the September meeting. A motion was made to accept the minutes as amended by Jeffrey Lick, seconded by Bob Leary, all board members were in favor and the motion was carried.

***Life Serve Youth Foundation Tennis Camp Application 206 Thomas Rd., Old Chatham, NY-
Informational Only***

Deputy Chairman Khosrova then explained that the evening's meeting was not a public hearing, only for the applicant to present information to the board and that the audience would have to keep comments to themselves at this point. Correspondence was received from Region 4 NYS DEC dated Oct 2, 2014 stating that they have approved the Zoning Board's request to act as lead agency for SEQR purposes in the Life Serve Youth Foundation Tennis Camp project. Mr. Khosrova stated that the board has received two emails from the Thomas Road Conservation Alliance, unsigned and dated Oct 23, 2014, copies on file. He also stated that a letter was received from Morris Associates dated Oct. 23, 2014 and explained that he was not reading it aloud for two reasons: a copy was distributed to the members of the audience and Paul McCreary, PE, Senior Engineer at Morris and Associates, who was present would speak to the letter.

Mr. Khosrova confirmed that the board received all submitted documentation from the applicant which contains surveys, topo's, text, letters, and a CD of the project. All of this is part of the record and certainly accessible to the public at the Chatham Town Hall.

Nick Vamvas of Crawford and Associates entered into record that he was able to meet with the Tri-Village Fire Company Chief on October 18, 2014 to discuss the driveway access. Mr. Khosrova stated we should note that the applicant invited both Planning and Zoning boards, as well as the Fire Department to do an inspection of the property the same day. Mr. Khosrova stated that no decisions, opinions or discussions were made about the project and he went on to say that it was personally better to see the property in person to get a better idea of the layout and see the neighboring properties. The tour began at 8:30 AM with the group walking the premises and visiting every building on the survey. They also saw where the sewer and water treatment will be located. Attorney Rappleyea stated that this is a typical process for the board to do and was not a board meeting it was strictly a site visit.

Mr. Khosrova then read the letter received from Robert Pietkiewicz, Chief of the Tri-Village Fire Company stating that he had met with Mr. Vamvas and he gave his approval for the expansion of the driveway from 13 feet to 20 feet for widening of the driveway. The letter is on file.

Mr. Vamvas of Crawford and Associates then spoke. He said that the goal for this meeting is to provide whatever it is the board thinks is needed to set a public hearing and to see if there is anything else the board will require. Mr. Khosrova asked in Mr. Vamvas' opinion is there anything else that the board doesn't have. In Mr. Vamvas' opinion the answer was no, he believes they have submitted everything that was required. Mr. Vamvas said he had spoken with the Columbia County Department of Health (CCDOH) regarding the lighting plan that the board asked for on the property and he was told that there are no guidelines for lighting, other than they only require lighting over egress points. Mr. Vamvas indicated that this already exists. Therefore, because they are not adding any lighting, there is no lighting plan at this time. Mr. Khosrova asked about the SWPPP and Mr. Vamvas replied one was generated and is included on the disc that was submitted to the board. According to Mr. Vamvas the SWPPP is preliminary and there is feasibility and plenty of space to put in ponds and gardens to treat runoff as needed. That will be finalized a bit later with the planning board. Mr. Vamvas stated that Mr. McCreary's eyes will be needed on everything before it's finalized with DEC. Mr. Khosrova asked Mr. McCreary if a public hearing could be held without the SWPPP being finalized. He responded that it could, but there are other things that need to be developed in between.

Mr. Khosrova turned the floor over to Mr. McCreary. According to Mr. McCreary, Crawford & Associates delivered the applicant's informational packet to them. He stated that in looking through all of the information, his firm has made decisions of what to review now versus what to review later. Copies of Morris Associates letter to the ZBA was distributed to the audience. The project itself needs more information to deal with the SWPPP and there are potentially some revisions that the CCDOH may ask for. Mr. McCreary feels the applicant needs to have a consultation with the health department so they can nail down things with regarding the soil and septic system. Sizing and deep tests with percolation rates and soil structure is as needed for whatever system they install.

At 7:15 PM, Chairman Everett arrived at the meeting and Mr. Khosrova turned over the chairing duties to him.

For the first item, Mr. McCreary talked about the proposed **swimming pool** for the site. He stated that pools have a need for a filtration system and they need to be back washed. Traditionally for an area such as Chatham it would be placed in an in ground system. According to Mr. McCreary, this can't be added to the proposed wastewater system that is on site because the elements that compose the back wash of a pool will have a poor impact on the performance of the onsite septic system. It will have to be disposed of sub surface and be separate from the waste water system. This is one item that will have to change for the site in the plan and will have impact to the SWPPP. He stated that he did not know at this time what type of system the CCDOH will recommend with regard to the on-site septic system so it might be larger than they are anticipating and this too, will have an effect on the development of the SWPPP. Providing all the measures onsite to deal with storm water pollution prevention, it was Mr. McCreary's recommendation that they have a discussion with CCDOH to move that design along a little bit further (doesn't have to be 100% design change) so that #1, they are on the same page and #2, they know what systems have to go in and they can move on from there. Work with the CCDOH would give him and the zoning board more information of what systems can be put in place before the SWPPP is done. Mr. McCreary said he doesn't want to spend more of the applicant's money without knowing some more info.

Mr. McCreary went on to say they need to know what **zone** the project is in. He asked if the ZBA feels that it meets the summer camp intent in the Town Code. The applicant does feel it meets that intent as noted in the Town of Chatham's code. Chairman Everett stated the building inspector has made that determination. Attorney Rappleyea stated that unless there is an appeal of that determination this is already done.

Mr. McCreary spoke to item #3 from his list, the **driveway** to the property. This item has to do with the applicant's desire to create a fire apparatus access road with this driveway, per Chapter 5 section 503 of 2010 Fire Code of NYS. Mr. McCreary said that will need some discussion in his mind. He stated that when you deal with a new project, the fire code no doubt gets applied. When you have a modification to an existing site as the applicant is proposing, as a use item, they are dealing with one building and converting it from a riding arena to dorms and an indoor tennis court and obviously a use change for that building, but not a new structure. So the code is vague with the need to have a fire apparatus access road. He stated in his opinion that based on the use for those eight weeks out of the year given that there are younger kids involved in a dormitory, it is prudent that there be something approaching a fire apparatus access road. There are various things in the fire code that allow the fire department to make decisions that would be different from the code. One example is that it's a 10 % maximum vertical rise or drop in the roadway itself and there are times that you exceed that 10% grade. According to Mr. McCreary, the code gives the ability of the local fire department to quote "rule on that" and come up with an approval they are acceptable of and approve that as such. It is Morris Associates recommendation that the fire company be consulted given the discretion to change that or not. He mentioned the letter received from the fire department that approves the modified driveway. The letter doesn't specifically mention the grade. For the record Mr. Khosrova asked the Chief (Robert Pietkiewicz who was in the audience) if the driveway includes the grade and it is approved by the fire dept. His reply was yes. Bob Leary asked for clarification on the width of the driveway. It has to be 20 feet wide per the engineer. Chairman Everett asked if Mr. McCreary had a section of the code that he is relying on for the 20 feet and Mr. McCreary referred again to the code, chapter 5, section 503 of 2010 NYS Fire Code. Chairman Everett asked that the Town Attorney look over this fire code and give some citations to be sure that he agrees with this determination. Mr. McCreary noted that is standard practice that the board can consult with NYS Department of State Division of Building Standards and Codes in dealing with code issues. Mr. Henkel asked the Chairman if it would be appropriate to have the grade change written in the letter from the Tri-Village fire chief because it is not mentioned in the original letter. They deferred to Mr. Robert Pietkiewicz who was in the audience and he again confirmed the grade approval. He will submit a revised letter to the ZBA.

With regard to the next item, the **visual assessment**, Mr. McCreary stated that the applicant has provided view shed drawings of local importance. With regard to the view shed from the Taconic State Parkway, Mr. McCreary said that it is doubtful that the property will be completely hidden from the selected areas depending on the type of foliage in the area. The features are relatively flat that are proposed on the site. He mentioned tennis courts, pool, grading for various items in terms of impact and stated that the view won't be more than what one would see at a residential home. One will see the tennis courts and pool on this site and potentially, one would see those same features in a residential home. The board might consider that one may have a higher level of view from adjacent neighbors, so there may have opportunity to plant trees that could break up the view. It would enhance the appearance of the site and lend some character to the property. Chairman Everett asked if Mr. McCreary actually thought he would actually see the courts and the pool from the Taconic State Parkway and his reply was that yes, you could probably see some of it at different times of the year.

Attorney Rappleyea spoke that there was an argument from the Thomas Road Alliance's second letter requesting a reclamation bond. He stated that the property could potentially be "blight" if the project fails. He said that the board could require that there be some sort of reclamation clause for the courts or some other cause for approval. He did state, however, that he did not know what "a blight" would be.

In reference to the **Storm Water Pollution Prevention Plan**, Mr. McCreary stated that this was not reviewed yet by his firm. He said that more information is required to review this process once the project has moved further along.

In his review of the **online mapping information**, there seems to be no streams or wetlands on the site.

The next item Mr. McCreary addressed was the **traffic and noise** concern. According to him, for what the applicant is proposing with regard to staff arrival and camp trips over the eight weeks that camp is in session, the total trip generation seems minimal; there will not be a large number of vehicles. He explained that he is "sort of ignoring" the analysis of the previous use of the site because he wants to understand what the actual traffic will be and not what had happened historically. It would be different if the property went from a shopping mall to a shopping mall. This number does not seem to be a dramatic impact. This of course is contingent upon no truck or trailer traffic and no parental drop off, just limited excursions with campers and tennis professional arrival and departure. The board has to entertain this. Based on the applicant's letter stating that parents wouldn't be coming to the camp, Chairman Everett asked the applicant if it would be "realistic" to expect that no parents drive their kids to the camp, citing that there could be kids who live locally whose parents could potentially drive them to check out the camp itself. Mr. Slone replied that if there are people in this region that want to come, they would drive there. Chairman Everett explained that maybe additional analysis would be needed and he asked Mr. McCreary what he thought about additional analysis. He replied that it's a board decision. Mr. Vamvas responded that this would be hard to quantify, they don't know this answer right now. There could be parents who may drop their children off but when they first started this was ideally for kids who were coming from cities and transported by train or bus. Mr. Henkel then asked if a child didn't want to spend the night would that be possible, and the applicant replied no, that this is an overnight camp. Mr. Henkel asked how many trips there could be because the kids could be coming on a variety of trains. Mr. Slone replied that they plan to keep this organized and that they pretty much feel that they could have the kids on the same travel schedule. Mr. Henkel asked if their organization would be coordinating the transporting and the reply was yes. Mr. Lick asked if a counselor will be there to get the children from the train or plane and the reply was yes. Mr. Vamvas explained that the foundation would be providing for the transportation and therefore can dictate how the arrival times work and the foundation will use the vans to pick up the kids from various places. Mr. Henkel said he would like to see that in the travel plan.

Mr. McCreary then spoke to the **Noise** impact. Thirty campers ages 10 to 17 will generate noise at the pool, tennis courts and non-tennis/pool times. As the board knows, noise in rural areas is always a concern. Rural areas during the day can be as quiet as 40 decibels and as noisy as 90 depending on the activities going on in the area. He referred to the Taconic State Parkway and local roadways which is a noise generator, as is farming, and it depends on the proximity to the source. The noise that will be generated from the tennis courts will be the noise of playing tennis, ball strikes, sneaker squeaks, exclamations of victory or defeat, plus vocal sounds from instructors. While tennis is not normally a noisy sport Mr. McCreary would expect noise levels greater than ambient. Being given that normal conversation noise is around 60 decibels, the sounds from tennis courts could reach 70 decibels. This

does not come close to exceeding the established law of 90 decibels that is in the Chatham Town code. Noise will be heard but in Morris Associate's opinion it will not exceed limits by code, according to Mr. McCreary. He then asked if there would be loud speakers. Chairman Everett said this was indicated at the last meeting and the answer was no. He then asked Mr. McCreary if he had seen the noise evaluation that Crawford conducted, he replied yes. Having played tennis himself, Mr. McCreary thinks the noise levels are low with regard to what they measured at the ICC school courts. Chairman Everett asked why he thought they are low. According to Mr. McCreary, the 48 decibels measured at the school is low in comparison to the 45 that generally exists for a quiet rural community. He thinks it will be higher. Chairman Everett asked if he is projecting a 10 decibel level increase over ambient. Mr. McCreary replied that it was certainly possible. Chairman Everett asked the town engineer to clarify ambient because according to the noise mitigation policy anything over six is considered potentially significant and if that is the case a lot more evaluation will have to be done. Mr. McCreary then said that the town code has the limit of 90 and he doesn't feel the camp will reach that. Chairman Everett stated that they have relied on the noise mitigation policy in the past to guide the board in conducting the SEQR evaluation. Given what Mr. McCreary just stated he asked the ZBA members their opinion. Mr. Khosrova asked Mr. McCreary what his basis was for his information and asked him how the measurements were taken for the testing. Mr. McCreary replied he knew nothing of the circumstance of how the testing was done at the school other than they went to the site and took measurements. Chairman Everett stated that this information was provided. Mr. Vamvas was not involved in the testing but it was done by another associate at Crawford. It was conducted at the Ichabod Central School tennis courts with nine players. Mr. Henkel stated that he's a school teacher and knows how loud 30 children can be. He is not as concerned about kids on a tennis court, but is more concerned about 30 kids in a pool. He would like to see that addressed in the plan. Mr. Khosrova asked if the kids would all be in the pool all at once. Mr. Vamvas stated that the pool wouldn't be big enough for all the kids at once. Mr. Khosrova asked Mr. Vamvas how many kids will be on the courts, would it be 12 or 30 playing tennis and cheering on players. Mr. McCreary, thinking of what the possibility could be, replied that he believes that there will be 30 kids altogether. Chairman Everett stated that the engineers need to get together to compile more data in accordance with DEC mitigation policy. He told Mr. McCreary that he didn't think Mr. McCreary would find a 10 decibel increase over ambient and believed that it's a pretty significant increase. It's almost twice over what the DEC requires over the evaluation of mitigation. He stated that whatever the worst case scenario for noise is, the board has to evaluate it at that. Chairman Everett concurred with Mr. McCreary that if there are 30 kids and counselors altogether that more testing should be done. The chairman stated that this is done the same way on all the other projects where noise is a potential issue and the ZBA needs to develop that testing protocol that is appropriate and go out and implement it. It may require additional testing at ICC or other places where multiple courts exist. The board is in agreement.

Mr. Slone asked if there were any outdoor public pools in the area. He found that Crellin Park could be utilized for swimming and he is okay with not having a pool. Chairman Everett explained that the pool is not the issue it is the issue of having 30 or 40 people congregating in an area. Mr. Slone stated that tennis is not that loud. Mr. Henkel reiterated that the Chairman's point is to create the worst possible scenario. Chairman Everett asked the town attorney what he recommended. Mr. Rappleyea hasn't found anything objectionable, that the protocol needs to be developed. Mr. Khosrova asked Mr. McCreary to speak with Crawford Associates and come up with some sort of agreement on re-testing. Mr. Vamvas then referenced to Code 180-44 Zoning law and read it aloud. He referred to the fact that Mr. McCreary had said that farming is noisy and that farming is allowed currently on this property. Mr. Vamvas said we could agree that this camp isn't going to be louder than farming. Chairman Everett replied that it's a tough issue and Mr. Henkel stated not everyone can agree with Mr. Vamvas'

assessment. Chairman Everett stated that during the summertime farming is done at different times, for a short period of time and the board has had the same arguments with other projects. Mr. Henkel stated the ZBA needs to have the data to make the decision. Attorney Rappleyea stated that the record must be complete and whatever decision the ZBA makes has a rational basis for and what they have in the record is developed by Crawford and Morris Associates as far as the supporting documentation. Mr. Everett said then that there are two engineers coming from two different directions on this that need to get on the same page, the data needs to be thorough. Chairman Everett stated that they may come to the conclusion that the ambient testing is fine as it is, but the applicant will need to go out and find similar situations to compare to. Mr. Vamvas asked Mr. McCreary if he had an issue with the ambient being the average 46.6 at which Mr. McCreary said is reasonable for that area.

For the final item on his list, Mr. McCreary addressed the **gate entry** to the premises and Knox box. There is a gate per Mr. Vamvas but the gate is not locked. Mr. Henkel asked the width of the gate. The width only needs to be 12 ft. according to meet fire code per Mr. Vamvas. He then showed a map of it, and they can add more details on the next map. Dave asked for details on a replacement gate, but Mr. Vamvas said the gate is already there and they are not replacing it, so there is no need to change it. Mr. Henkel stated the logic of the fire code is that a fire truck can get passed a parked car.

Chairman Everett asked if well number one on the map was in the middle of the driveway. Mr. Vamvas stated that it is and buried with a water tight cap over it. Chairman Everett asked if that is permissible for a community water supply. According to Mr. Vamvas per CCDOH, because the camp is only operating for 56 days it will not be public water supply. Because it's not a public water supply it is permissible. Chairman Everett asked if they have to worry about wellhead protection zones due to the buildings on site and asked if the CCDOH will let them leave the well there. Mr. Vamvas replied that it can stay and that the CCDOH was fine with the location of the wells. He indicated that he had met with the health department that day of the meeting. He showed them the survey and the proposed plan. Mr. Vamvas said that his firm doesn't have enough information yet to get the permits from DOH but he indicated that DOH is fine with what Crawford has supplied so far. Chairman Everett asked if DOH had no issue at all with all the buildings in the wellhead protection zone. According to Mr. Vamvas said there are no sources of contamination in the wellhead areas. He then displayed the map showing the wells and that they meet the offsets, 50 to 100 feet to fields and sewer. This existing field is going to be banded in place and that the CCDOH would want someone to witness the disconnection of the plumbing from that field. The garbage dumpster needs to be moved as it looks to be 30 or 40 feet from the well. Mr. Slone said it is now gone, maybe the former owner had it removed, but he wasn't totally sure who removed it. There will be a new spot for the dumpster. Dave asked for an indication on the map for it once its decided and also asked if there would be a screen for it so it's out of view. Mr. Slone said there is a fenced in area where the dumpster could go and it would be well hidden from view.

Chairman Everett requested that Mr. McCreary give his opinion in writing about the wells, septic, well head protection issues, etc., in writing to the board, as the board will need to evaluate the potential of environmental impacts, so that CCDOH can make their decision.

Chairman Everett then asked another question about the onsite wells. He wanted to know if the applicant is proposing to use both wells at the same time. Mr. Vamvas' answer was "Yes." Chairman Everett asked him that when they did the 24 hour pump test did they monitor for reduction in the other well. Mr. Vamvas replied they did and there was an insignificant drop. The chairman then asked Mr. Vamvas to include this in the plan and include that the draw on one well will not have an adverse impact on the other. Mr. Everett also requested information for the record of how close the closest existing

offsite well is to the neighbors so it is documented that the neighbors wells are far enough away. The town attorney confirmed that the nearest well is over 300 feet away and outside any zone where there is any impact.

Chairman Everett then spoke about fire suppression and asked if there was a dry hydrant on site. Mr. Vamvas stated there isn't one. Mr. Khosrova asked the Fire Chief Pietkiewicz to go on record with his opinion of fire suppression for this project. The chief stated that there's a sizable pond on site in the middle of a field. He explained that ponds are typically only accessible 5 or 6 months out of the year. He stated that a dry hydrant isn't going to cure any problems in that scenario which is no different than 99% of the homes the fire departments deal with now. Water would need to be trucked in hence the need for the 20ft. wide driveway where two trucks can pass easily. The trucks carry 5000 gals with foam suppressant. Chairman Everett confirmed that they don't need any additional water suppression. According to the fire chief without a change in the buildings the way they are now this is not any different than what they have dealt with on this property in the past. The chief spoke that EMS is equipped to deal with any emergencies especially during the summertime.

The ZBA next discussed whether a financial business plan should be requested to determine the financial viability of the project, but decided after some discussion that such a plan would not be requested because the board does not have authority to require the submission of such a plan and the plan may be subject to foil. Mr. Khosrova personally did not want to pursue requesting the financial information. He went on to say that if this project fails, then we leave structures that were built for the purpose of the business. "We are talking about only building tennis courts. All the other structures are already there. We have someone who has told us he is putting up his own resources...This isn't a huge mall that we are worried about urban blight." Mr. Leary stated he would like to see a reclamation policy that could give some comfort to the project. Mr. Khosrova stated again that he is not personally worried about urban blight with reference to where the tennis courts will actually be located on the property. A final determination by the board was not reached as whether or not to require a reclamation bond.

Mr. Slone spoke that he is very prepared to put the program together if the fundraising didn't come through and run it on his own for a significant period of time.

Mr. Henkel wanted to know why day camp hydraulic low grades were referred to within the sewage treatment section of the plan, referring to the fact that this camp is an overnight camp. Mr. Vamvas replied that this was all the state had available for reference. He had spoken with someone at DEC and he was told to use those day camp numbers for his report. Mr. Henkel then asked about audience seating indoors and outdoors and the answer from the applicant was "No." He then stated that the van plan seems optimistic. The applicant replied that there will be two passenger vans and a large SUV to transport staff and children.

Mr. Henkel then referred to the hill where the tennis courts are being cut into and asked if there will be retaining walls. Mr. Vamvas doesn't believe they will need retaining walls, they will cut and fill and grade it. Mr. Henkel felt that the ten foot drop between two of the courts seemed pretty steep. Mr. Vamvas stated he doesn't believe they will need a retaining wall there, just grass to reclaim that area or some hay matting. This will be covered in the SWPPP. Mr. Henkel inquired about fencing if it is 10 foot chain link and the answer was "Yes." The board asked if a variance for the fencing would be needed. The board asked Attorney Rappleyea to look into this. Mr. Henkel asked about the color of the fencing

and Mr. Slone said he would use whatever the board thinks is appropriate. It was recommended that black is the appropriate color choice as it can visually blend in to the landscape.

Chairman Everett asked if there would be enough fill for the property. Mr. Vamvas replied there should be enough on the property and that they will cut out fill for the pool if he goes ahead with the pool plan and then for the rain gardens. Any fill needed will be pulled from the property and there are no plans for offsite fill at this time. Mr. McCreary stated that crushed gravel will need to be brought for the base of the tennis courts. To be sure there won't be other delivery trucks, the chairman asked Mr. Vamvas to quantify how many trucks would be coming in and how often with fill, propane delivery and garbage removal. The propane delivery truck has been delivering all along to the property.

Chairman Everett stated that at the last meeting the board asked for a chart with all that the NYS DOH requires for a camp but it was not provided by Crawford. He went on to say that he wants to see how the applicant will comply with the laundry list of what the DOH requires. Mr. Vamvas said that he misunderstood the request and provided a template, but not a list of how they will comply with each item. Discussion continued about the ZBA being the lead agency for the SEQR and that it is important that the human health and safety issues are addressed. The SEQR can be approved providing that the DOH permit is complied with. The town attorney replied that the most efficient way is for the applicant to handle the DOH permit application is to answer all the questions and provide the ZBA with a copy of how they intend to comply with DOH code. Chairman Everett suggested that Mr. McCreary review the DOH Sanitary Code with the applicant and pull out the SEQR issues. Mr. McCreary stated that it is more appropriate for the applicant to do the list, and then he would attend the DOH meeting with them and formulate the list that will pertain to the SEQR. Chairman Everett explained that this is a critical permit in the whole project. Mr. Slone inquired if he could ask someone on the board to review this document prior to the next ZBA meeting and Chairman Everett replied that Mr. McCreary can do that for him. Mr. Khosrova commented that the applicant is paying for him to do this.

Chairman Everett asked for some conceptual floor plans to see how the buildings are laid out. Mr. Vamvas provided a copy. Mr. Khosrova then asked if they had made a final floor plan since there were things they were unsure of. Mr. Vamvas replied that they do not have final floor plans yet, there are things that need to be confirmed with DOH first and there are still changes that need to be made. The Chairman explained that the ZBA needs just the conceptual items. Mr. Khosrova asked about the where the staff would stay, etc. When that is decided, the ZBA needs to know that. Mr. Henkel stated that some staff would need to stay with the kids. Chairman Everett asked Mr. Vamvas if he needed to provide the size of the rooms to the DOH. Mr. Vamvas stated that because they haven't received the permit yet from the ZBA they have not moved forward with the design of the buildings. Chairman Everett explained that in order to move forward the ZBA needs to see conceptual plans and stressed that Crawford will have to do the extra work. He went on to say that the basic things should be figured out now and that he understands why the applicant wouldn't want to put in a lot of money now without knowing if they will receive the permit, but the ZBA needs more detail. Mr. Henkel wants something from an architect, not just something drawn on paper by the applicant. Mr. Khosrova stated that while they (the ZBA) have seen the property in person, it is important to have the design on record, "what the chairman is doing is making sure that we build up the record," and that whatever decision the ZBA makes is based on the information the ZBA has. At this time Mr. Slone confirmed that the "conceptual" plan is okay with the board. Mr. Khosrova also stated that he realizes that this is not going to be the final plan.

Chairman Everett inquired as to lighting plan. Mr. Vamvas replied that there is no change in the lighting plan as they are using the existing lighting with the same wattage.

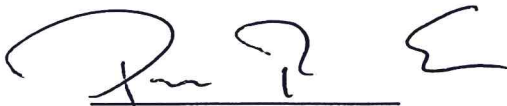
Chairman Everett asked if the ZBA wanted a draft of the safety plan and they agreed that it be left up to Mr. McCreary and Mr. Vamvas to handle in their meeting with the DOH.

Chairman Everett asked if anyone on the board had any other questions. The reply was no. He asked that Mr. Vamvas respond in writing to Mr. McCreary's comments by next meeting and he also asked if he would respond in writing to the written submission from the Thomas Road Alliance. Mr. Vamvas stated he could and would appreciate the submissions be given to them sooner than the day of the meeting. Chairman Everett asked Mr. McCreary when he could start on the SWPPP and he responded that it would be after they meet with the DOH and learn more.

Next Meeting: Mr. Khosrova asked if the applicant would be able to get the additional information to the November meeting if there is one. The information would need to be submitted ten days prior to the meeting which would happen in the middle of the month should they decide to hold one (due to the Thanksgiving holiday.) Mr. Vamvas decided the December meeting would be best. Mr. Slone will be out of town, but that is okay with him. It was decided that the **next ZBA meeting will be held on Monday, December 29 at 7 PM.**

There was a question from Donna Staron of the Planning Board inquiring about who will be doing the lighting on the project and asked if the original lighting was on the map. The answer was no. Chairman Everett asked if the Planning Board had any additional comments. Ms. Staron replied that the Planning Board would send a letter for the next meeting with any SEQR issues they may have.

Chairman Everett confirmed that Tal is addressing the fire issue codes. He then asked if there were any other questions or comments at this point. There were none. A motion to adjourn the meeting was made by JP Henkel. The motion was seconded by Jeff Lick, all members were in favor, and the motion was carried. Meeting adjourned at 8:40 PM.



David Everett, ZBA Chairman
November 7, 2014

Respectfully Submitted by
Shari Franks, ZBA Clerk

CHATHAM ZONING BD.

NO MEETING

NOV 2014

**TOWN OF CHATHAM
MEETING MINUTES December 29, 2014**

**ZONING BOARD OF APPEALS
FINAL COPY-revised**

ZBA MEMBERS PRESENT:

David Everett, Chairman

JP Henkel

Robert Leary

Jeffrey Lick

Adrianus Ooms

Tal Rappleyea, Town Attorney

Marilyn Cohen, PB Chairperson

Donna Staron, PB Vice Chairperson

Brenda Marello, Stenographer (Crawford)

Paul McCreary, PE Morris & Associates

Absent: Vice Chair Mitchell Khosrova and Kary Jablonka-Notified

PUBLIC PRESENT: Brandee Nelson, PE Crawford &

Assoc, Andrew Howard, Esq. Freeman & Howard,

Heather & Mark Uhlar, Don Clark, Lynn Sallowski, Dori

Hanswirth, Karin Mason, Loretta Stillman, Peter Lyden,

Karen Murphy, William Eimiche, David Levow, John

Wapner, Cynthia Bobseine, Robert Pulver, James

Johnson, Michael Young, S. Lachterman, Scott

Longstreet, David Kahn, Scott Lukowski, Evan Stoller,

Judy Grunberg, Susan Davies, Melony Spock, James

Kraft, Paul Veillette, Frances Veillette.

The Pledge of Allegiance was recited at 7 PM. The meeting opened at 7:01 PM. Chairman Everett asked if everyone on the board had a chance to review the minutes from October 25, 2014 meeting, the answer was yes. Ms. Franks stated that there was one small typo on page two, which she changed. Chairman Everett asked for a motion to approve the October 25, 2014 meeting minutes with this change. Motion was made by JP Henkel and seconded by Jeff Lick. All ZBA members were in favor, motion to approve the minutes was carried.

Item #1: Life Serve Youth Foundation Tennis Camp

Brandee Nelson of Crawford and Associates was in attendance on behalf of Life Serve Youth Fdn. and for Nicholas Vamvas (he was ill) of Crawford and Andrew Howard, Esq. of Freeman and Howard, was in attendance on behalf of the applicant, Adam Slone of Life Serve Youth Foundation. Chairman Everett confirmed with Ms. Nelson correspondence received by the CZBA from Crawford dated December 15, 2014 and a letter received from Nick Vamvas of Crawford dated December 29, 2014 summarizing the noise testing that was done by them. Chairman Everett then confirmed with Mr. Howard a letter from his firm responding to some comments that Jeff Baker had provided to the board. He then asked both parties if there was anything else we were missing. The response was no. Mr. Everett then referred to the letter on December 29th from Paul McCreary, the town engineer regarding comments to the SWPPP. Mr. Everett then asked Mr. McCreary if there was anything else he needed to submit and the reply was "no." Mr. Everett then asked him if he was planning to submit comments on the new packet of material that was received and Mr. McCreary replied yes and when asked when they could be ready, Mr. McCreary replied, "I'll say two weeks." The chairman then stated the board received a letter dated December 23rd from Jeff Baker who is the attorney representing the concerned neighbors of the project and that the board also was in receipt of some e-mails from other folks as well. He stated that all the documents are available to any member of the public who wishes to see them under the Freedom of Information Law. A FOIL request can be made to Shari, ZBA secretary for copies. The secretary then

handed out to the public that was present copies of Mr. McCreary's letter dated December 29th commenting on the SWPPP.

Ms. Nelson spoke about correspondence her firm supplied to the CZBA and that they were in response to the October board meeting and to comments they had received from the town engineer as well as a comment letter that was received from the Thomas Road Conservation Alliance. She stated that there has been a primary change made to The Life Serve Youth Foundation Tennis Camp proposal in that Mr. Slone has decided to opt out of the pool construction and that he is trying to find ways to integrate the youth into the community citing various places the kids could go, including Crellin Park. She indicated that they have met with the Columbia County Department of Health (CCDOH) and that the town engineer was present and referred to the camp safety plan that was provided in the packet submission dated December 15, 2014 with a note that things would need to be updated and would need to be updated annually. The camp plan just represents the generic aspects of the camp at this time. In general, Ms. Nelson indicated that the CCDOH hasn't expressed any concerns with the camp. They have reviewed the basic sanitary requirements for the water and septic as well as the floor plan. Ms. Nelson went on to state that Crawford has done some basic field requirements with regard to the septic and the CCDOH is in agreement with them to the change in the septic. There are two wells on site that yield 8 to 10 gals of water per minute that do not during the pump test seem to influence one another. The water is good quality and they are meeting the state health requirements as far as providing water. Ms. Nelson stated that they met again as requested with the Tri-Village Fire Chief and there are no issues with that. His letter is included in their packet. Included in the documentation are floor plans that show a conceptual layout of the dormitory and the indoor tennis court in the existing barn building as well as information as to how the house will be used during the camp. This information was also asked for by the CCDOH according to Mr. McCreary as well as the CZBA according to Chairman Everett.

Ms. Nelson then referred to the outdoor and indoor noise testing that took place at the Ichabod Crane Schools and the Old Chatham Tennis Club and that the results of the data are included with the information that was emailed to the board prior to this evenings meeting. Chairman Everett then asked for Ms. Nelson to review all of the information they have collected and at the end the CZBA can figure out whether there is additional information required or if they can move ahead with the public hearing. Mr. Leary asked about the ages of children being revised to include ages 12 to 17. Ms. Nelson explained that previously the ages would have included children 10 to 17 with the total number of attendees to the camp remaining the same. With reference to Ms. Nelson's earlier comment about the CCDOH being okay with the plan so far, Mr. Henkel asked her if it would be reasonable to ask for a formal okay from the CCDOH. Ms. Nelson explained that Mr. McCreary was asked to be there for the meeting with the DOH so that he could hear firsthand what the issue was. She then stated that they are not at the point in the process yet to make a formal application to them. She also stated that "they (the DOH) don't often write us immediate letters." Chairman Everett stated that if the board decides they want to approve this application, the board can make a condition upon the applicant obtaining all the permits and approvals before they can even apply for a building permit. He asked for any other questions from the board.

Ms. Nelson went on to say that Crawford had received Mr. McCreary's letter referring to the technical

things that may need to be “tweaked” like the grading. She did not foresee any critical issues there. She referred to the storm water and grading for the septic system and a comment about them in Mr. Baker’s letter about them not being shown in the plan. Ms. Nelson stated that it is not shown on the grading plan for the tennis camps, but is shown on the plan that the board received on December 15th for the septic and water systems. There is a separate infrastructure plan that shows the grading there according to Ms. Nelson.

Traffic estimates during construction were addressed. Ms. Nelson stated that construction would be limited to the tennis courts and septic. Any other construction would include retrofitting the stable and the other buildings and there are no new structures being proposed. She estimated that this would begin in June 2015, continue for approximately nine months and the camp would be open for 2016. The estimate she provided is five round trips per day on average. Ms. Nelson indicated that the work proposed on construction would be similar to renovation to a house. Mr. Everett had a question on the road issue and the ZBA requested that Crawford have a conversation with Joe Rickert, TOC Highway Supervisor, and ask for his comments as to road impacts. He asked Ms. Nelson if this had happened yet and she replied she did not know if anyone from her firm had spoken to Mr. Rickert yet. The board asked that Crawford obtain a letter and get Mr. Rickert’s thoughts on that in writing between now and the next meeting.

Ms. Nelson moved on to the other comments from Morris and Associates. She said there was a question about whether or not the application meets the intent of a summer camp. Mr. Simonsmeier, the Town CEO, determined that the application does meet the intent of a summer camp. She believed this had been previously discussed at the October meeting and asked the board if they had a question on this. Chairman Everett replied “no.” Ms. Nelson then talked about the question of Crawford consulting the CCDOH about the waste water disposal system. She said this was already done in November with the CCDOH.

Ms. Nelson addressed the comment about meeting the NYS Building code with regard to fire protection and also having the fire company review the fire access. She stated that all new construction must meet fire code. “That is a requirement in the NYS DOH laws regarding camps,” and in addition, she added that the fire chief did, as previously mentioned, prepare a letter to the CZBA dated October 29, 2014.

With regard to the comment on Visual Impact Assessment, Ms. Nelson stated the members of the ZBA had visited the site and thought that the board members present could see for themselves that the tennis courts being proposed are flat and reiterated that there wouldn’t be light poles or vertical structure constructed. They don’t see any visual impact from those tennis courts. Ms. Nelson felt that there is no need to implement any screening out there just because the “are sited very sensitively down lower on the property and kind of tucked into a corner of the property where they are somewhat screened.” Chairman Everett was not able to visit the site at the time and would like to view the site. Ms. Nelson stated that the gate is not locked and he could do so at his convenience. He said he would try to get there within the next week or so.

With reference to the SWPPP, Ms. Nelson said that Crawford will work to address comments from

Morris and Associates. Information was provided to the board. There was a question as to whether or not there are DEC mapping of wetlands or streams on the property. Ms. Nelson confirmed that there are not any.

With regard to camper arrival and camp trips, Ms. Nelson read Morris and Associates review. Morris Associate's letter says the effect seems minimal. It is dependent on statements made such as no parental drop offs or pick up, no truck or trailer traffic or limited excursions with campers and tennis professionals arrival and departure. Mr. McCreary suggested that the board entertain some conditions in the application as it moves forward. According to Ms. Nelson, "In our opinion we want to be careful to not absolutely restrict anything. We're concerned about whether or not there might be a family emergency where a parent would need to come up. So obviously we need to be able to maintain some access by parents. But I believe as Mr. Slone has maintained, the primary goal here is for us to coordinate children coming by mass transit from communities in the Boston or New York area, and we would be arranging to pick them up at a central location such as the Amtrak station or the train at Wassaic in the camp's passenger vans. I believe there have been some more recent comments about if the camp is open to members of the community or town a more local area, like the Albany area or whatever, how would those kids arrive. I believe that the intent at this point is still the same, is to have the kids come to a central location where everybody meets. So if camp starts Sunday night, everybody is meeting at the Amtrak station, will embark on the vans and from the vans to the camp. So there's not the intent for this to be like a day camp where there's pick up and drop off in the morning and in the afternoon; however, we do need to reserve the right to have family emergencies and the camp to be accessible for that purpose."

With reference to this comment from Ms. Nelson, Mr. Leary asked Mr. McCreary if he thought there should be some type of control. Mr. McCreary replied, "Again, what the board will be operating on is statements made by the applicant that they will do A, B, and C. Obviously, if A, B, and C is not done, then you would have a different traffic aspect happening at the site. So whether that gets accomplished through some sort of condition or agreement, arrangement...I don't know. It is more a matter of bringing it to the board's attention in terms of if they don't meet up with that expectation, the volumes will be different." Chairman Everett then stated that the board can discuss potential conditions if and when the project gets to that point.

Ms. Nelson reported that the Tri-Village Fire Dept. was consulted. The entrance gate at the driveway will remain unlocked. Pump information was provided. There are no wells located to the south and within several hundred feet of the neighbors well. Ms. Nelson doubts it will interfere with other wells in the area. She stated that they did not locate every neighbor's well, but given that the two wells on the property are within 150 feet of each other and don't communicate with each other, she doubts that it is likely that any of the neighbor's wells are going to communicate either.

Ms. Nelson next addressed the Thomas Road Conservation Alliance questions. The first was the question about providing a written safety plan. She said they provided a conceptual safety plan, which she stated is sort of a standard document that is used statewide, so it is not something they created. It is the standard template from the state. The second question was about fire suppression. Ms. Nelson

explained that their plan for fire suppression in the commercial kitchen is provided according to code. She stated that they provided a conceptual floor plan.

The third question was lighting. Ms. Nelson stated there is no new lighting plan and no new lighting is required for the camp plan.

Next question was fire apparatus access: The Tri-Village Fire Dept. has addressed this as previously stated.

The question regarding driveway grade was addressed by the fire chief who visited the site again and did not see the grade posing any limitations.

With the question of camp traffic, Ms. Nelson referenced the Cornell Local Roads program, which she stated did not apply to Chatham as Chatham (Town) has their own road specification. She stated that they are not proposing any other traffic on the road. She didn't believe that paving the roads was necessary. According to Ms. Nelson with reference to the former site traffic on Thomas Road, the property at 307 Thomas was operated as a stable and riding arena. She stated that the infrastructure at the site suggests that there was "pretty hefty capability to have 14 horses in the stalls." Hay and shavings were delivered by tractor trailer. There was a lot of traffic when there were horses. "What we're proposing as far as a couple of passenger vans and some kids for eight weeks out of the year is very minimal. It's very limited both in duration throughout the year. It happens in the summertime generally under drier conditions.

With regard to funding for the project, Ms. Nelson replied that Mr. Slone could not be in attendance at this evening's meeting but she did state that Life Serve Youth Foundation is in the process of forming their 501c3 and doing initial fundraising. They recently hosted an informal meet and greet at the OC tennis club, and according to Mr. Slone there is a strong local response as well as a strong response for donations to the organization. Ms. Nelson then indicated that if the board should have any other questions regarding the foundation, they could send them to Mr. Slone's attorney, Mr. Howard.

The Thomas Road Alliance wanted to know whether there should be a reclamation plan and bond in place. Ms. Nelson commented that in their opinion, there does not need such a plan in place for where the tennis courts are proposed. She stated that tennis courts are allowed on the road, referencing a neighbor's court across the street from Mr. Slone's property. As far as slopes and grading, she stated that the SWPPP is in place and they will have a sediment and erosion control plan in place to ensure site stabilization. Cuts and fills will be managed on the property. They do not plan to haul any material off the property.

Ms. Nelson addressed the question about whether or not there's room to expand the driveway. She stated that they have looked at the grading that is required to add the shoulders to provide the 20 ft. access width and there is adequate space there. She answered the question about additional soil testing for the septic and mentioned that this had been responded to.

Ms. Nelson expressed her opinion about whether or not the tennis courts are visible from public places. Her reply was they do not believe they are. The CZBA has seen the space. Mr. Leary then asked about construction schedule stating that they have listed the construction occurring six days a week excluding holidays and will run for 12 hours per day from 7 AM to 7 PM. Ms. Nelson confirmed this was correct

and then Mr. Leary asked for a definition of six days a week. Ms. Nelson responded that typical construction schedules are Monday through Saturday keeping in mind that a bulk of the construction would take place inside. Mr. Leary expressed concern that 7 PM is a little too late on a Saturday during the summer for construction work. Ms. Nelson stated that this is something that can be further talked about.

Chairman Everett then had questions. He asked if there were any federal wetlands on the site. Ms. Nelson replied there are not. The chairman then asked if there are any perennial, ephemeral or intermittent streams. Ms. Nelson then corrected herself stating that there is a wetland on the property. There was a pond that was excavated and man-made; it has created a wet area upslope from it. Chairman Everett asked if it is affecting it, and Ms. Nelson replied that they are not doing any activity in that area, it's on the opposite side of the property. Chairman Everett asked if there were streams. Ms. Nelson replied no, but that there is an overflow for the pond, but it's not a stream. She went on to say that there is no stream proposed by the tennis courts and she indicated this on the map provided. Ms. Nelson went on to explain that the property had been subdivided a couple of years ago and it left a base parcel as a flag lot. She showed a map referring to the stream referenced in the Thomas Road Alliance letter and it is primarily off the property and will not affect the stream. Chairman Everett asked again if they were affecting the stream and Ms. Nelson replied that they were not. He asked about the erosion and sediment plan and said he assumes that they are going to handle the proper protections in there and that Mr. McCreary is going to evaluate that. Ms. Nelson replied that there will be erosion and sediment control as needed.

Chairman Everett asked Mr. Howard if he needed to review anything. He replied that with regard to road construction: these are existing public roadways and it is prudent that they get a letter from the Town of Chatham DPW. In terms of a project when the roads are drier and frequency of traffic and with Mr. Slone making the investment, the volume of traffic is minimal. He went on to say that there is a detailed grading plan and with the septic and design and must be reviewed by all entities. We have provided the conceptual safety plan. "Noise is the next issue....Notwithstanding...we have done the testing with teenagers, the sound volumes are not significantly higher...we provided additional testing inside.....the noise levels would be higher inside.....the amount of noise is not significantly higher than the ambient background noises." "The board wanted some additional information based on recommendations made by our engineer, so we took another step and went forward and did additional testing this time inside...I don't think it's real shocking to find out that the amount of noise generated from tennis is not significantly greater than the ambient background noise. I don't think that's an earth shattering statement and I think the data proves that."

At this point Chairman Everett asked the board if they had any other questions before delving into the noise issue. Mr. Henkel asked if the existing house will be renovated. Ms. Nelson replied that the house will be renovated according to what is seen on the site plan. He asked if it would be up to code. Ms. Nelson replied that yes, but for the most part it is a new building and already up to code. The kitchen will be up to code, bathrooms will be accessible. The barn will be converted to a dormitory and a restroom facility will be modified. Mr. Henkel stated there is one bath area in the dormitory and asked

if it would be co-ed. Ms. Nelson replied that the camp will be divided age appropriately and gender appropriately. Chairman Everett asked if anyone else had anything else to add. Mr. McCreary said he had nothing else to add. Mr. Howard then spoke to Mr. Slone's character and investment in this project. "He has invested a significant amount of money in this project and will continue to do so, and is really encouraged by the reception and the word that he's getting from the Chatham community. He is really looking forward to doing a project which he really feels will benefit the community, while at the same time, being sensitive to his neighbors." Mr. Howard then referred to the pool and Mr. Slone's choice to remove it (from the plan) was due to the neighbors. "If he can take away from the visual impact to the neighbors he is being thoughtful in what he is doing to the property."

NOISE IMPACT: Ms. Nelson confirmed that the board was familiar with the first noise testing that was done at Ichabod Crane Central School. She explained that while tennis was being played on the courts they were getting a noise level reading of about 49 decibels from center court to where they were measuring approx. 85 ft. away. There was one group of kids playing with one instructor running drills. Mr. Henkel asked how many kids were in a group. Ms. Nelson replied that there were two kids on the court playing and a couple of kids standing around waiting for their turn and the expected some low talking, however, according to her client, Mr. Slone, tennis is structured, and the instructor expects a certain amount of discipline from the kids. They are supposed to be listening and watching each other on the court. She felt that what was exhibited at the ICC courts was a good example of what would be happening on Mr. Slone's property. There was a desire to have Mr. McCreary present but that there was no outdoor tennis being conducted at this time of the year, so Ms. Nelson explained why they did noise testing at OC tennis club. According to Ms. Nelson, both Mr. McCreary and Crawford monitored the activity separately on the court. They found the background level inside was higher than ambient outside at the ICC courts. The overhead fluorescent lights attributed, in part to that as there is no insulation and lots of echoing in the building. They logged two sets of data for 90 mins. The first test was 60 decibels the second was at 58 which results in a six to eight decibel increase above the background level of 52 decibels. Ms. Nelson went on to say that they "aren't talking about jets going overhead or jackhammers...we're talking about conversational levels." Mr. Henkel asked what they are calling an average noise level and is that a mean? Ms. Nelson confirmed this was the average and takes into account the highs you get when the tennis ball hits the racket or somebody makes an exclamation when they have a good shot. Generally there is not conversation going on back and forth, there is not really a lot of talking according to Ms. Nelson. She asked Mr. McCreary if he had a separate analysis of the information. He replied he had done a bunch of different things with the info but asked Ms. Nelson to continue with her assessment. Ms. Nelson compared the tennis courts to the property line and that the courts are 114 feet from the property line. She stated that the sound was not even close to 90 decibels, which is Chatham's current noise standard at a property line. She went on to explain more about the decibel level. "If we take the sound level in what we would consider the most conservative fashion and say the sound level we had at Old Chatham of 60 decibels average, if we put that on our property and we project it to the property line, we'd be 54 decibels on the property line, which is an 8.3 decibel increase above the 46 that we had measured at the property line. Now, again, it's an eight decibel increase, but we're going from quiet to conversational level, not quiet to jackhammers." She believes this is a very conservative way to look at it, to take the loudest average that was inside the club

and project that from the courts nearest the property line. She explained another way which she felt was more realistic. "We took that six to eight decibel increase above ambient, and we applied that to our ambient level at the sites. We took the 46 plus the eight to get 54 decibels at the source, the tennis court, and then project that to the property line, because you are going to get attenuation over distance. We end up with a decibel level at the property line of only 48.3, which is just 2.3 decibels above the ambient property line. So either way you look at it, it's a small increase." Mr. Henkel inquired as to the range of sound asking what the high is and what the low is. Ms. Nelson replied that she would have to go back to the data get that info to him. She stated that they have talked about noise many times and maximums may be instantaneous peaks and same with minimums. Mr. Henkel explained that he is trying to discern what is loudest and softest, if ball strikes are the loudest than ball strikes are a consistent sound in the game of tennis. He is trying to figure out if that is what they have to be talking about...he would like to know "what the maximum was and what was causing that so that we could extrapolate the frequency." Mr. McCreary then spoke. He reported that Session 1, the L max was 77.8 decibels, and the L max in Session 2 was 74.5 decibels. This is all on the A scale according to Mr. McCreary. Mr. Henkel asked him what was causing that. Mr. McCreary replied for the most part it was ball strikes and six teens that were of high school teen ability. They struck the ball well and hard and frequently. That was predominantly the loud sounds. There were also thuds from the mats on the wall to the back of the court when a ball hit them. It was effective in determining an LEQ for that session.

Mr. McCreary went on to give the opposite end, the L minimum was 50.8 dba for session 1 and for session 2 the L min was 50.9 DB at 59 feet from the center of court. He stated that he could not speak to the ICC information other than having seen the data as reported.

Chairman Everett asked Ms. Nelson if Nick Vamvass was the person who submitted the report and if he is an engineer in training. She replied yes and then Mr. Everett confirmed that Mr. Vamvass is not a professional engineer. He then asked Ms. Nelson if she agreed with Mr. Vamvass' assessment of the noise data and she responded "yes." Chairman Everett asked that Ms. Nelson send a letter that is from a professional engineer with the data results. She asked him if she should sign it jointly with Mr. Vamvass and Chairman Everett replied that she could, but stressed he wants a letter from a professional engineer submitting engineering data to the board.

Chairman Everett then recited the last line of the letter from Crawford and Associates which basically states, "It is our opinion that the anticipated noise levels at the property line nearest the tennis court will range from zero to three DB above ambient per the DEC noise policy, increase in the range of zero to three DB should have no appreciable effect on receptors." He asked Mr. McCreary if he agreed with it or if he needed to still evaluate Crawford's analysis. Mr. McCreary replied, "Well, I will qualify what I say next with, I do need to run some more analyses. Chairman Everett asked Mr. McCreary to include this opinion in his letter to the ZBA. Mr. McCreary replied he would. Mr. Everett asked if there were any other questions. Mr. Lick commented that he is extremely suspicious of comparing indoor tennis courts to outdoor. He suggested that Mr. McCreary address this. Mr. Everett stated that the other issue is that the noise testing seems to be focused on one or two people on a court. He asked what the noise level would be when there are more kids, 30 to 40 of them cheering on the players and standing around the tennis court, congregated in one area. To him that seems to be the potential largest noise impact. He

asked the engineers how they will deal with this and what they think the potential noise impacts will be. Ms. Nelson wanted to address Mr. Lick's comments first. She stated "The reason why our conclusion is that we get a zero to three decibel change is because we believe that the more appropriate approach here is to look at the sound level increase caused by tennis. So doing the indoor tennis monitoring, the sound level increase above ambient caused by the tennis was six to eight decibels. So we took that six to eight decibels, and we added it to our site's ambient level, which is 46. And then we project out the sound attenuation over distance to get to our 2.3 decibel increase. So we believe that this is a sound way to measure it. And we believe that it represents the typical condition that's going to be occurring at that property with morning tennis practice."

She stated that she would speak to Mr. Slone to discuss this issue and to see if he intends to have some sort of celebratory end of session tournament or celebration. She said it is four camp sessions in an 8-week period. That's not the average daily occurrence, she stated, it's an infrequent event. To Ms. Nelson, "It is no worse than a barbecue that someone might host and have music playing and 30 or 40 people over or a political fundraiser or pig roast that someone might host...it's an infrequent." Chairman Everett responded by saying "I guess it's the frequency of how often that occurs and how that's going to play out. So if you can get some more information from him (Mr. Slone) on that." Ms. Nelson replied she would. Mr. Howard stated that Mr. Slone has no intention of holding tournaments at the property and he could definitely provide the board with that definition. Mr. Howard said the nature of the sport of tennis is generally quiet...you may have an occasional gallery clap and ball noise, but if at the end of a week-long tournament with a rousing point and there is some noise, does that violate SEQR? He thought not.

Ms. Nelson then read an email she received from Mr. Slone with regard to what a typical day would look like on the tennis court for the camp. *"As for tennis instruction, it initially would start with stretching and short run, both of which would be no noise. That usually takes about fifteen minutes. From there, usually kids hit with an instructor feeding balls to kids and rotating. Again, very low noise and no noise from kids. To be clear, not only is it completely inappropriate to talk during tennis, but you can lose a point by talking in middle of play. After about 45 minutes of drills, there will likely be point plays. Half the kids play points and then they rotate in. Again, you don't talk to your opponent during play. One of our instructors might suggest hitting cross court, down the line, come to the net or strategy. There is stretching during last fifteen minutes."*

Mr. Henkel, referring to testing only being done on one court, asked Mr. McCreary what the impact would be having six courts. Mr. McCreary responded that there were six teens in attendance and four played at any given time. They did stretch and warmed up on the court. They then volleyed at the net and progressively moved to overhead shots and then their own competition on one single court, two on two, one on one. The kids that weren't participating were seated, watching. The kids were nervous seeing two recording devices. But the kids didn't hold back, they behaved as they would have as they would at any other tennis lesson. They did hear some serious ball strikes, exclamations, instructor's comments, sneaker squeaks, etc. Mr. McCreary felt good that the representation was good for the six kids with one instructor. He thinks that's basically what it will be for this facility (proposed). He went on to say that you really can't have three out on the court. It's going to be four at any given time with two

rotating in and out. Mr. Henkel stated the facility will have four to six courts outside. Mr. McCreary explained as follows: "the thing about noise is, if you make a 60 decibel sound here and a 60 decibel sound relatively close by, that doesn't mean you're making 120 decibels worth of sound, you're making 63, because it adds on a logarithmic scale. So one of the things that does have to be looked at is the proximity of the courts. What we're looking at is sound from the center of a court. So if you have another court nearby, you'll have to see where that overlaps. And if the sound is 60, well then the overlap is 63." Mr. Henkel asked if Mr. McCreary was comfortable extrapolating that analysis. His reply was "absolutely." Mr. Leary stated with six courts that there could potentially be 26 kids playing at one time. Mr. McCreary replied that full build out with all the courts. Mr. Henkel said to Mr. McCreary that he need to make sure this is incorporated into his analysis. Chairman Everett asked Ms. Nelson if their conclusion was on page 3 about zero to three DB increase and asked if this was the worst case scenario. Ms. Nelson replied, "That's the closest court to the property line, so that's looking at our worst case in that respect....the subsequent courts are further away, so they're going to have sound attenuation that occurs before the closer court. But like Paul (McCreary), we can certainly look at if from a cumulative impact as well." Chairman Everett stated that the board has to look at the worst case scenario and if both Ms. Nelson and Mr. McCreary could include this in their follow up letters. They both responded they would.

Chairman Everett then asked if there was anything else on this issue, and there was not. He then asked the board if they want to deem the application complete at this point to go to public hearing subject to the submission of the additional items that we've identified, or do you want to wait for those documents to be submitted and then make a decision. Mr. Lick asked to go through what was missing again. He stated that a highway letter from Mr. Rickert on road impact is needed, one or two documents from Mr. McCreary, a letter from Ms. Nelson on noise. Mr. Henkel mentioned the revised grading according to Mr. McCreary's comments. Ms. Nelson then stated Crawford would update the SWPPP and their response to the town engineer. Mr. Henkel also asked for the six courts max and min noise levels and what they are attributed to from Ms. Nelson's letter. Mr. Everett asked Ms. Nelson to address group gatherings and the frequency of such. Mr. Henkel mentioned that they have trip generation and rise in traffic information. At this point, the chairman asked if the board was ready to deem the application complete subject to the submission of these additional items and set the public hearing for next month, or do they want the information before that? Mr. Henkel and Mr. Lick both replied they were comfortable with this. Mr. Leary was more inclined to make sure the board gets everything before they open the public hearing. Mr. Henkel replied they wouldn't open the public hearing if there's a question. Chairman Everett and Mr. Henkel both stated that the information has to be complete and available before the public hearing. The Chairman stated that once they review the material, if they feel there is additional information needed and the public makes some good points, they can just continue the public hearing. Mr. Lick stated that he didn't think there is that much outstanding and thinks the board needs to hear from the public.

Chairman Everett then made a motion to deem the application complete for purposes of scheduling the public hearing subject to the submission of the items that were recently listed. He then asked all that information to be submitted by January 8, 2014 (two weeks prior to the public hearing). Mr. Henkel

seconded the motion. All board members were in favor with AYES received from Lick, Ooms, Henkel, Leary and Everett. No one was opposed. The motion was carried. Chairman Everett asked Ms. Nelson if there is a need to do GMO referral from the county, asking if we are within 500 feet of any county resource at this point, state or county highway. She replied that she would check on this and let the CZBA know. Chairman Everett asked her to double check and if she believes a referral is necessary she needs to let the board know because all of this information will need to go to the county ten days before the public hearing.

For Informational purposes: Item #2: PS21 Black Box Performance Space

In attendance representing Questaterra, LLC & PS 21 was Maribeth Slevin, Counsel for PS 21, Brandee Nelson, PE, Crawford and Associates, Evan Stoller, Architect on the project and David Kahn, who did the acoustical report. Chairman Everett welcomed everyone in attendance. He explained the need to talk about the establishment of escrow before anything can move forward. Town Attorney Rappleyea spoke on behalf of the Chatham Town board who he stated is the contracting agency. The contract would be executed between the Chatham Town Board (Jesse DeGroodt is the Supervisor), and the applicant, Questaterra, LLC. Attorney Rappleyea stated that typically we have had an estimate done by the town and the engineer, it has been suggested that there be some additional requirements of the escrow account to make sure that the replenishment is done during the application, and that way the experts that may be required are timely paid. He stated that the town board is considering some variations at the moment. Chairman Everett asked if these variations had been shared with the applicant yet and the attorney replied "not to his knowledge." The chairman then asked if the attorney had any sense as to what escrow amount is going to be established in the initial instance. He replied that "from a legal standpoint it's probably not going to be a whole lot more, probably for me, about \$2000." Chairman Everett asked about how much for engineering. Mr. McCreary replied he did not know yet and admitted he has done nothing with the materials he received. He stated that his firm was owed a lot of money at the end of the last application and that didn't come to fruition until just recently.

Chairman Everett asked Mr. McCreary if he wants more money in the escrow account and that the replenishment occur on a frequent basis and is not overspent. Mr. McCreary said he can be comfortable with this arrangement. Chairman Everett stated that this needs to get squared away before the next meeting. He would like to have the escrow amount set so that everyone is comfortable with it and we need the proper amount of escrow in order to move forward on this project. Attorney Rappleyea stated that a higher escrow amount is necessary and if it is not replenished in a timely manner the Town will suspend the project. The attorney agreed to work this out with the town board and the applicant.

Attorney Slevin then presented the new PS21 project. She stated that this is a little different than what was submitted previously, this now has a year round and a seasonal component. The modifications are embodied in the site plan of the project. There will be a reduction in the footprint in Phase Two: a reduction in amount of parking and seating. It's a 300 seat facility not 400 plus. Ms. Nelson explained that the last application is withdrawn, this is a new application and is separate from the previous one they have submitted. Mr. Lick explained that many of us were not here in 2005 so he asked that Ms. Nelson be more specific if she is to compare this project with the previous one. Ms. Nelson went on to

say that when the tent was constructed ten years ago, they put in a parking area. The tent has really become the signature of the summer program and well known. Although they did make an application for an outdoor pavilion, the PS 21 board of directors has given a lot of thought to long term goals and objectives for this site. What has come to the forefront: when a permanent building is there 365 days a year operational requirements are different from a tent. A lot of thought has gone in to what is appropriate for Phase 2 and what is best suited for the long term cost wise. The mission is to provide a black box theater, to provide a wide variety of performance types. All of these things have different technical requirements. A design team has come up with this black box theater that can operate in the winter and become a 100 seat performance space. In the summer they can then open up the box to expose one side to be an outdoor space during warm weather season. What this does is provide an opportunity for a year round facility and still keep the indoor outdoor venue to still exist. The tent would go away completely. The black box will be heated, but there is no need for air conditioning. There will be ventilation, total climate control. The site improvements proposed are to modify the existing parking area to add handicapped parking spaces and a drop off lane. The building is half the footprint of the original phase two proposal about 14,500 ft. roughly under one roof. The summer season capacity would be 300 persons and the indoor would be 100 persons. It does not require additional increase in parking, seating is underneath the pavilion and there is no lawn seating. There's a plaza and walkway, patio, loading facility, and inside there will be restrooms, green rooms, and ticket booth. The basement level will have spaces for the performers, mechanical systems, fire suppression system, and the building would have full sprinklers. The building has a septic system that is on the east slope of the property, about a couple hundred feet south and east of the building. The well, which was originally drilled back in the early 2000's was pump tested and tested for quality. Ms. Nelson stated that this is the proposed water supply well for the building. The septic system has been modified and the CCDOH was at the site to bring the well a little bit closer to the building but in the same general location. The CCDOH has approved the new location. The well exists near the crest of the hill in the northern central portion of the property about 300 ft. uphill from the green barn. She went on to explain that there would be some site grading around the building. All the cuts and fills are managed on the property, so there is no construction excavation.

Lighting proposal will match the existing on the property and will need three new pole mounted lights. They have a 12ft. height and have hood covers. They will be reclaiming bollards from the tent area and repurposing them up in the main area. Any other proposed is for egress but nothing substantial. Chairman Everett asked for floor plan info and how the removable panels will work with the building. Mr. Stoller then spoke that the panels are being designed now but because they are maintaining an open stadium up to the ridge for acoustic purposes, it might be advantageous and cost effective to design their own innovative system of closing off the proscenium in the winter. The walls would be custom made and only need to be moved twice per year. The space is meant to be very flexible, safe and efficient.

Ms. Nelson went on to review the floor plan on the map provided. Mr. Henkel asked if this was the same location as last year's proposal. The reply was yes. The seats are telescoping seats. Chairman Everett asked what the elevation change was from grade to the top of the stadium. Mr. Stoller replied

that the black area is about 6 ft deep, 7 ft. above the main level. The main level of the stage is 2.8 ft above the main level. The black area is 6.8 ft. above the main level.

The stage elevation is 485 inches and the rear is 489 inches, roughly 6.5 feet. Mr. Henkel wondered what the max height was to the top of the ridgeline to the east. Ms. Nelson replied that the slope of the hillside is about 498 ft. and the top of the building is 516, so roughly 18 feet above. She asked if the board had any other questions regarding building configuration and Chairman Everett replied not now.

Ms. Nelson explained the storm water management and there will be a need to disturb more than one acre so they will need a SPDE permit for general construction activities. There will be underground detention units underneath parking area and to the west of the building. It is consistent with current management. She addressed the water supply. She stated that there would be less water consumption than their original application. They have a daily demand of 1260 gals per day demand during the summer when more people are there, obviously it will be less in the winter approx. about 460 gals it will be potable and a public water supply.

Fire protection will meet NYS code. Mr. Leary stated that the last letter was dated November 27, 2013, and he requested an updated one. Chairman Everett asked if the fire suppression had changed. Ms. Nelson replied they are more robust due to the nature of the project being a year round one. He asked for an updated letter from the fire chief.

Overall, a variance is not needed for height since it is less than the 35 foot height limit that the town has for structures.

The number of vehicular trips will be about the same, there is no increase in traffic projected. Sound is always a big concern.

Crawford has engaged the services of David Kahn of Acoustic Distinctions to review the sound protocol. The board has a copy of his report. He compared noise impact of the proposed facility with the noise impact of the tent that has been in operation for a number of years. He stated that they are looking at both the town noise code and the DEC guidelines that the noise impact of the facility not increase the ambient noise levels at the property line by more than six decibels, which is actually a more stringent requirement than the code that's currently in effect in the Town of Chatham. He said they are using this info as a basis for their analysis.

Mr. Kahn showed a map that showed four locations all four sides and calculated the noise levels at the property line that exist with noise levels in the town. He said they now have a facility that is more enclosed and limits some of the sound escaping out of it, there is a solid roof, the grading is important in terms of whether or not there's direct line of sight from the facility to the property line. To the east and to the north you can't see the facility so that means the sound has to sort of bend around the topography which provides some additional attenuation. The sound levels are a lot lower to the west where the facility is enclosed...the north sound level will still be lower because of the enclosure of some of the building. Noise impact will be lower in general and lower than the tent. Mr. Kahn went on to say they did additional calculations to explore the DEC guidelines, that the noise not be increased at the property line above 6 decibels. Based on the data, they looked at the loudest thing and how would they

compare to the ambient. They intend to provide a limiter so the sound can't go any higher than 90 decibels around the perimeter. He spoke about anticipated levels and stated they plan to put a limiter on the sound system so the sound will not be able to go louder than 90db. Chairman Everett asked if this limiter is going to be available for parties and weddings. Mr. Kahn replied only if they use PS21 sound system. Everett asked if they don't use the sound system and bring their own, could it be louder. Mr. Kahn replied that it would be possible but could be "deafening" to the ear to go louder than that inside the facility.

Mr. Lick asked for clarification on page 4 of the report of the total change in sound pressure levels, Mr. Kahn responded that the numbers are minus in decibels compared with the tent. Mr. Lick referred to table 3 about expected sound pressure levels at the property line, and asked if that is expected based on this new design and the reply was yes. He asked if something changed in the design that is lowering this from what we have seen before and what has happened architecturally to bring it down because we have had some of these same things before. Mr. Kahn responded that one of the differences in design that had an effect but a very small one was the previous design to the north of the facility there was a berm or some landscaping that would further block the line of sight to the property line. So the difference between that design and this design is one decibel. The grading is such that we have a natural berm there. With the berm being higher in the previous design, it did block a little more sound but not a lot more sound. The difference was about one decibel. Mr. Lick asked if the building is sited differently. Ms. Nelson stated its one decibel higher than the last application...this is slightly higher, one decibel, but that's not at a level that's general noticed by the human ear. Chairman Everett asked Ms. Nelson for her conclusion at the property line as far as what the level would be. She confirmed that noise level will be below ambient. Mr. Kahn then stated that in order to do that calculation, one needs to make an assumption about what the levels are emanating from the tent, which is why 90 DB was the level picked. Chairman Everett referred to the ongoing debate of whether sound can be heard from the tent or not, but now finds the point more compelling about the property line and the restriction here of 90 DB and the level over ambient or below ambient. Ms. Nelson then spoke as to why they brought David Kahn on board to help make sure they are getting off on the right foot technically.

Chairman Everett stated their approach was helpful in viewing this. In this project noise has always been the issue.

Mr. Leary asked about weddings and other activities in fields and what kind of control there will be in terms of sound. How would we predict that a DJ setting up a speaker at the facility or what kind of noise is going to be generated? Mr. Kahn responded that this is certainly outside of the intent of the facility which is really what we've been focused on, "but it seems to me that the issue that you're raising really relates to the town code and the guidelines and the guidelines don't allow them to hold any kind of event anywhere on their property that would push the levels up beyond the code limits." He stated that those activities should not be allowed if they are exceeding the guidelines. Mr. Henkel said that the applicant made a commitment to not hold outside events a year ago, maybe they would be willing to again. Ms. Slevin said they would talk about it.

Ms. Nelson stated that this is a performance venue, not a wedding venue. We are not here tonight asking for approval as a wedding venue for Chatham. That would be an entirely different application. If there is an occurrence it's going to be an "off" occurrence not a regular one for this venue. Chairman Everett stated that the CZBA had given approval to them to have those kinds of events to sort of help with the fundraising and the charitable nature of the organization. He indicated he was still comfortable with that. The CZBA can limit the amount of what happens.

Ms. Nelson inquired about the SEQR. Chairman Everett asked her if she wanted the CZBA to circulate for lead agencies. Her response was that we do not need to do that unless the attorney disagrees with me. She said she assumes the CZBA would be lead agent. Chairman Everett indicated that the planning board members in attendance were in agreement.

Chairman Everett made a motion evidencing the ZBA's intent to be the lead agency and to circulate the coordinated review under SEQR. Mr. Leary seconded the motion. Ayes were received from members Lick, Ooms, Leary, Henkel and Everett. There were no Nays, motion was carried. The Chairman asked Attorney Rappleyea to take care of the circulation on this. His response was yes. Ms. Nelson stated a long form was included in the application. Mr. Henkel inquired as to timeframe for the project and Ms. Nelson explained that the new concept is what is driving them. Ideally they would like to break ground in spring 2015 and open in 2016. Chairman Everett asked Mr. McCreary, assuming they can work out the escrow issues, for his comments on the documents in within two weeks. He replied "sure." Mr. Henkel asked if the neighbors had been notified and Ms. Nelson replied "no." Chairman Everett stated that the ZBA is required to do that, it is part of the public hearing, but we always publish notices in the paper of the agenda items. Ms. Nelson said that everything has been made available digitally and that they have hard copies too. Ms. Nelson also offered copies of the transcript of tonight's minutes when they are made available. Chairman Everett asked for any other comments or questions. There were none.

Attorney Rappleyea sent an email to the CZBA including a copy of temporary bylaws that could be used for the planning and zoning boards. He stated that it's not necessary to have them but it can be used against board members who don't abide by the rules. Mr. Lick asked how much is covered in state law. Rappleyea replied most of it is covered other than the "for cause" piece. Chairman Everett said that if the town board wants to establish some parameters than the town board should do it. He went on to say that some boards have members that don't do what they are supposed to do. Mr. Henkel doesn't see anything objectionable but it seems it is redundant with state law. Rappleyea stated with regard to alternates the town board can now appoint an alternate. Our current boards are good and everyone shows up when they are supposed to. Everett said he discussed the issues with the town board and there doesn't seem to be a need for alternates especially as a 7-person board. The chairman's view is to keep going as we are.

The secretary noted that two of the board members were short an hour each for training. Mr. Ooms would go to the town hall for training the following day and Mr. Khosrova will take an online course to

satisfy his one hour as well. A motion to adjourn the meeting was made at 9:26 PM by Chairman Everett and seconded by Mr. Leary. Motion carried.

David Everett, Chairman

Respectfully submitted by
Shari Franks, ZBA Secretary